

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ANNE CAMERON CAIN, individually and as
representative on behalf of the Estate of ALEXANDER
PINCZOWSKI;

Docket No:
17-CV-_____

BEATRIZ GONZALEZ, individually and as
representative on behalf of the Estate of NOHEMI
GONZALEZ; JOSE HERNANDEZ; REY GONZALEZ;
AND PAUL GONZALEZ,

COMPLAINT

Plaintiffs,

Jury trial demanded

-against-

TWITTER, INC.,

Defendant.

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Plaintiffs, by and through their attorneys, allege the following against Defendant Twitter,
Inc. (“Twitter” or “Defendant”):

NATURE OF THE ACTION

1. This is an action for damages against Twitter pursuant to the Antiterrorism Act, 18 U.S.C. § 2333 (“ATA”), as amended by the Justice Against Sponsors of Terrorism Act (“JASTA”), Pub. L. No. 114-222 (2016), and related claims, for having knowingly provided material support and resources to ISIS, a notorious terrorist organization that has engaged in and continues to commit terror attacks, including the March 22, 2016 terrorist attacks in Brussels, Belgium that murdered 32 people, including Mr. Alexander Pinczowski and his sister Ms. Sascha

Pinczowski, and the November 13, 2015 terrorist attacks in Paris, France that murdered 130 people, including Ms. Nohemi Gonzalez.

2. As an outgrowth of *al-Qaeda*, ISIS has become one of the largest and most widely-recognized and feared terrorist organizations in the world. The United States Government designated ISIS as a Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189 (“INI”), as amended, on December 17, 2004.

3. ISIS early embraced Twitter as a powerful weapon for terrorism. Twitter’s social media platform and services provide tremendous utility and value to ISIS as a tool to connect its members and to facilitate the terrorist group’s ability to communicate, recruit members, plan and carry out attacks, and strike fear in its enemies.

4. Twitter’s services have played a uniquely essential role in the development of ISIS’s image, its success in recruiting members from around the world, and its ability to carry out attacks and intimidate its enemies.

5. For example, ISIS uses Twitter to massively inflate its image and the impact of its terrorist attacks and atrocities by using “bots,” specialized Twitter “apps,” and “hashtag hijacking” to rapidly send tens of thousands of tweets to make it look like it has more numbers and support than it really does.

6. ISIS also uses Twitter to distribute high-production-quality videos, images, and online magazines that make it appear more sophisticated, established, and invincible. By using Twitter “storms” as a distribution system for these materials, ISIS ensures that the materials are then transferred to a large number of access points on the internet, so that the materials remain widely available online even if deleted by other social media platforms.

7. ISIS has used Twitter to cultivate and maintain an image of brutality, to instill greater fear and intimidation, and to appear unstoppable, by disseminating videos and images of numerous beheadings and other brutal killings, including setting captives on fire, blowing them up with explosives, slowly lowering them in a cage underwater to drown, and more.

8. In this case, ISIS used Twitter to specifically threaten France and Belgium that they would be attacked for participating in a coalition of nations against ISIS, to celebrate smaller attacks leading up to these two major attacks, and to transform the operational leader of the Paris attack into a “celebrity” among jihadi terrorists in the year leading up to the Paris attack via Twitter-distributed magazine articles and videos featuring his ISIS exploits in Syria, France and Belgium.

9. ISIS also used Twitter to announce the Paris and Brussels attacks, to intensify the intimidation of the attacks through Twitter “storms” during and in the immediate aftermath of the attacks, and to claim credit for the attacks.

10. In addition, after the Paris attack, ISIS used Twitter to distribute a video made in anticipation of the attack showing each of the ISIS terrorists who carried out the attacks telling of their intentions and then executing a captive for the camera either by shooting or beheading.

11. ISIS also used Twitter after both the Paris and Brussels attacks to distribute online magazines and videos showing carnage from the attacks, and featuring profiles and statements of the attackers glorifying their roles in the attacks and threatening more attacks.

12. The ISIS planners and attackers also used Twitter to communicate and follow other ISIS Twitter accounts.

13. For example, plaintiffs have identified Twitter accounts of the operational leader of the Paris attack and of the bomb-maker for both the Paris and Brussels attacks, who also

carried out a suicide bombing in the Brussels attacks. Both of these ISIS terrorists used Twitter to follow other ISIS Twitter accounts, including accounts designed to indoctrinate ISIS followers in the radical terrorist Islamist ideology of ISIS.

14. For years, ISIS, its leaders, spokesmen, and members openly maintained and used official Twitter accounts with little or no interference. Despite extensive media coverage, complaints, legal warnings, petitions, congressional hearings, and other attention for providing its online social media platform and communications services to ISIS, Twitter has continued to provide these resources and services to ISIS and its affiliates, refusing to actively identify ISIS Twitter accounts, and only reviewing accounts reported by other Twitter users.

15. Moreover, Twitter has taken a number of measures that actually serve to “protect” ISIS’s use of Twitter; for example, Twitter has had a policy of notifying Twitter users if it suspects government surveillance of their Twitter accounts or if the government subpoenas information about Twitter accounts; Twitter is suing the Department of Justice, seeking to defy orders to keep details of investigative subpoenas secret despite government warnings that disclosure may harm national security; Twitter has banned U.S. intelligence agencies from buying Twitter analytical services from Twitter-controlled “Dataminr” that would assist in identifying terrorist threats and activities; and Twitter used its “anti-harassment” policy to shut down the Twitter accounts of users from the group “Anonymous” who were identifying and reporting ISIS Twitter accounts to Twitter.

16. Twitter has knowingly provided material support and resources to ISIS in the form of Twitter’s online social network platform and communication services. ISIS has used and relied on Twitter’s online social network platform and communications services as among its most important tools to facilitate and carry out its terrorist activity, including the terrorist attacks

in which ISIS murdered Nohemi Gonzalez and siblings Alexander and Sascha Pinczowski. By providing its online social network platform and communications services to ISIS, Twitter: violated the federal prohibitions on providing material support or resources for acts of international terrorism (18 U.S.C. § 2339A) and providing material support or resources to designated foreign terrorist organizations (18 U.S.C. § 2339B); aided and abetted and conspired with a designated FTO in the commission of acts of international terrorism as defined by 18 U.S.C. § 2331; and committed acts of international terrorism as defined by 18 U.S.C. § 2331. Accordingly, Twitter is liable pursuant to 18 U.S.C. § 2333 and other claims to the plaintiffs, who were injured by reason of acts of international terrorism.

THE PARTIES

A. The Plaintiffs

17. Plaintiff Anne Cameron Cain is a citizen of the United States and is domiciled in the United States. She brings claims individually and as the representative of the estate of her husband, Alexander Pinczowski, who was a resident of the United States at the time of his death.

18. Plaintiff Beatriz Gonzalez is a citizen of the United States and is domiciled in the United States. She brings claims individually and as the representative of the estate of her daughter, Nohemi Gonzalez, who was also a citizen of the United States at the time of her death.

19. Plaintiff José Hernandez is the step-father of Nohemi Gonzalez, and is a citizen of the United States who is domiciled in the United States.

20. Plaintiffs Rey Gonzalez and Paul Gonzalez are the brothers of Nohemi Gonzalez. Plaintiff Ray Gonzalez is a United States legal resident, and Plaintiff Paul Gonzalez is a United States citizen.

B. The Defendant

21. Twitter, Inc. (“Twitter” or “Defendant”) is a corporation organized under the laws of Delaware, with its principal place of business in San Francisco, California.

JURISDICTION AND VENUE

22. Twitter is subject to the jurisdiction of this Court. Twitter is at home in the United States because it is a Delaware corporation with its principal place of business in California. Twitter may be found in this District and has an agent in this District. It maintains a systematic presence in this District, including more than 140,000 square feet of office space and approximately 100 employees and is registered to do business in the State of New York.

23. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 18 U.S.C. §§ 2333 and 2334, as this is a civil action brought by nationals of the United States who have been killed or injured by reason of acts of international terrorism, and/or their estates, survivors, and heirs.

24. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a).

FACTUAL ALLEGATIONS

I. ISIS: A DESIGNATED FOREIGN TERRORIST ORGANIZATION

A. Al-Zarqawi and the Internet as a new weapon in the global terrorist’s arsenal

25. ISIS has its origins in the terrorist group “*Jam’at al Tawhid wa’al-Jihad*,” (“The Monotheism and Jihad Group”), founded in 1999 by the radical Islamic terrorist leader Abu Musab al-Zarqawi (“al-Zarqawi”). The group was also popularly known as simply “*Tawhid*” or the “al-Zarqawi Network.” The following is a picture of al-Zarqawi and the *Tawhid* flag:



26. Al-Zarqawi promoted a vision of Sunni Islamic eschatology in which violent attacks on non-believers, heretics, and apostates are not only justified, but religiously mandated. He taught that such attacks would lead to the establishment of an Islamic state and accelerate a global apocalyptic battle in which Islam will ultimately triumph and govern the world.

27. ISIS maintains Al-Zarqawi's vision of Islam.

28. ISIS regards Islam as a religion of conquest, and it understands the concept of *jihad* ("holy war") literally, as an obligation to use violence and engage in battle to attain the goals of Islam.

29. While al-Zarqawi was not the first to use the Internet to wage *jihad*, he is known for taking Internet communication and propaganda in the service of terrorism to a new level.

30. Borrowing from the tactics of Pakistani Islamist terrorists who circulated a videotape of their beheading of Jewish-American journalist Daniel Pearl in 2002, al-Zarqawi joined shocking images of graphic violence and cruelty with the developing technologies of the Internet to fashion a new weapon in the psychological war of terrorism.

31. On May 11, 2004, al-Zarqawi's group posted a link on the *Muntada al-Ansar al-Islami* ("Forum of the Islamic Supporters") ("*al-Ansar*") website forum to a five-and-a-half-minute video titled, "Sheikh Abu Musab Al-Zarqawi Slaughters an American Infidel" (the "Berg Video").

32. The Berg Video showed five hooded terrorists dressed in black standing behind abducted Jewish-American businessman Nicholas Berg, who was sitting and dressed in an

orange jumpsuit (reminiscent of the orange prison uniforms worn by captured terrorists held by the U.S. at Guantanamo Bay). The following is a screen-shot from the Berg Video:



33. The Berg Video next showed one of the hooded men (presumed to be al-Zarqawi) read a statement condemning reported abuse of security prisoners at the Iraqi Abu Ghraib prison, after which he pulled a knife from his shirt, stepped forward, and sawed off Berg's head.

34. Although the *al-Ansar* website forum crashed due to the volume of downloads, the video of the al-Zarqawi's beheading of Berg was copied to other sites and downloaded many thousands of times. It still circulates on the Internet today.

35. In 2006 The Atlantic magazine described the effect of the Berg Video as follows: "With the slash of a knife, al-Zarqawi had pulled off the most successful online terrorist PR campaign ever . . . Al-Zarqawi's success was possible because he had anticipated the importance of the Internet—an increasingly important weapon in the global terrorist arsenal."¹

36. But al-Zarqawi had only begun with the beheading of Nicholas Berg. After the Berg Video, al-Zarqawi's terrorist group continued to post even more videos on the Internet showing al-Zarqawi and his followers beheading foreign captives, including the following:

¹ Nadya Labi, "Jihad 2.0," *The Atlantic* (July/August 2006), <http://www.theatlantic.com/magazine/archive/2006/07/jihad-20/304980/>.

- a. Kim Sun-il, a South Korean interpreter and Christian missionary, beheaded in June 2004;
- b. Georgi Lazov, a Bulgarian truck driver, beheaded in July 2004;
- c. Mohammed Mutawalli, an Egyptian citizen, beheaded in August 2004;
- d. Twelve Nepali citizens murdered on film, one was beheaded and the others were shot, in August 2004;
- e. Eugene Armstrong, a U.S. construction contractor, beheaded in September 2004;
- f. Jack Hensley, a U.S. construction contractor, beheaded in September 2004;
- g. Kenneth Bigly, a British civil engineer, beheaded in October 2004; and
- h. Shosei Koda, a Japanese tourist, beheaded in October 2004.

37. Al-Zarqawi also produced and disseminated other forms of *jihadi* media on the Internet. For example, in June 2004, al-Zarqawi released the first part of a full hour-long propaganda video titled, “The Winds of Victory.”

38. The “Winds of Victory” video opened with the American nighttime bombing of Baghdad, as mocking captions flashed the words “Democracy” and “Freedom” across the screen in Arabic; the nighttime bombing, in which only flashes of explosions could be seen, was contrasted with graphic scenes in full daylight of mutilated Iraqi children and abuse from Abu Ghraib prison.

39. The “Winds of Victory” also highlighted foreign fighters who joined al-Zarqawi from Kuwait, Saudi Arabia, Libya, and other places, reading their wills in preparation for suicide missions, followed by footage of their murderous bombings, often from multiple angles.

40. Because al-Zarqawi's group did not have the Internet capability of mass-distributing a single 90-megabyte video file, the hour-long video had to be broken into chapters and released piecemeal over the course of several weeks.

41. Nevertheless, al-Zarqawi's relatively low-tech yet innovative use of the Internet to broadcast his *jihadi* message together with graphic videos of beheadings and suicide bombings catapulted him to a new prominence.

42. Terrorism analyst Rita Katz, director of the SITE Intelligence Group, explained: "While Osama bin Laden traditionally relied on Al Jazeera [satellite television] and the media to disseminate his propaganda, Zarqawi went straight to the Internet, which enabled him to produce graphic videos that would never have been shown on the mainstream media."²

43. At this time, Osama bin-Laden's *al-Qaeda* terrorist organization – having carried out the 9/11 attacks in the United States³ – was still the dominant symbol of global terrorism.

44. Back in January 2004, al-Zarqawi had reportedly sought to be recognized by bin-Laden as part of *al-Qaeda's* global *jihadi* movement, but without success.

45. But then, according to BBC Security Correspondent Gordon Corera, "[o]ver the summer of 2004 with Osama bin Laden yet to appear and Zarqawi carrying out increasingly

² Scott Shane, "Web Used As Tool of Terror," *Sun Sentinel* (June 9, 2006), http://articles.sun-sentinel.com/2006-06-09/news/0606081728_1_al-zarqawi-al-jazeera-rita-katz.

³ On September 11, 2001, nineteen *al-Qaeda* terrorists hijacked four passenger jets and flew two of the jets into World Trade Center's Twin Towers in New York, plunged a third jet into the Pentagon in Washington, D.C., and crashed the fourth jet in a field in Pennsylvania. The attacks (known as "9/11") altogether killed nearly 3,000 people and injured more than 6,000 others, and constituted the worst terrorist attack ever on the United States homeland.

bloody and high profile attacks, some began to question whether Zarqawi was beginning to rival or even succeed bin Laden.”⁴

46. Corera explained that even though al-Zarqawi’s terrorist group was estimated to only have between 50 to 500 members at this time, “they exercise[d] an exaggerated degree of influence due to their coupling of extreme violence with an acute understanding of the power of the media.”⁵

47. Al-Zarqawi had become a figure *al-Qaeda* could not ignore. According to terrorism analyst Aaron Y. Zelin, founder of Jihadology.net, not only did bin-Laden not want to be “outdone” by al-Zarqawi, “bin-Laden himself wanted to ‘own’ the Iraq jihad as well as remain relevant while hiding from the United States.”⁶

48. After several months of negotiations, al-Zarqawi received the official recognition he sought: he declared allegiance to bin-Laden in an official online statement on October 17, 2004, and *al-Qaeda* accepted and publicized al-Zarqawi’s oath to bin-Laden in its online magazine *Mu’askar al-Battar* on October 25, 2004.

⁴ Gordon Corera, “Unraveling Zarqawi’s al-Qaeda Connection,” *Terrorism Monitor*, Vol. 2, Issue 24 (The Jamestown Foundation, Dec. 15, 2004), http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49QsjXdIrlZ.

⁵ *Id.*

⁶ Aaron Y. Zelin, “The War between ISIS and al-Qaeda for Supremacy of the Global Jihadist Movement,” *The Washington Institute for Near East Policy* (June 2014), http://www.washingtoninstitute.org/uploads/Documents/pubs/ResearchNote_20_Zelin.pdf.

49. On December 27 2004, Al Jazeera television broadcast an audiotape of bin-Laden calling al-Zarqawi “the prince of al Qaeda in Iraq” and asking “all our organization brethren to listen to him and obey him in his good deeds.”⁷

50. Al-Zarqawi changed his group’s name to “*Tanzim Qa’idat al-Jihad fi Bilad al-Rafidayn*” (“Organization of Jihad’s Base in the Land of Two Rivers [Iraq]”), and it became commonly known as “*al-Qaeda* in Iraq” (“AQI”).

51. The following is a picture of the AQI flag:



52. The connection with *al-Qaeda* not only provided al-Zarqawi with greater legitimacy among *jihadi* terrorists, it also gave him essential tangible resources, including access to *al-Qaeda*’s important private donors and recruitment, logistics, and facilitation networks.

53. By mid-2005, Lt. General David Petraeus assessed that al-Zarqawi had indeed attained “an international name ‘of enormous symbolic importance’ . . . on a par with bin-Laden, largely because of his group’s proficiency at publicizing him on the Internet.”⁸

B. AQI rebrands itself as the Islamic State of Iraq

54. On June 7, 2006, Al-Zarqawi was killed by a U.S. airstrike.

55. Al-Zarqawi was succeeded by Abu Ayyub al-Masri and Abu Omar al-Baghdadi.

⁷ “Purported bin Laden tape endorses al-Zarqawi,” *CNN* (Dec. 27, 2004), <http://edition.cnn.com/2004/WORLD/meast/12/27/binladen.tape/>.

⁸ Susan B. Glasser and Steve Coll, “The Web as Weapon,” *The Washington Post* (Aug. 9, 2005), <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/08/AR2005080801018.html>.

56. In October 2006 AQI declared the establishment of the “Islamic State of Iraq” (“*ad-Dawlah al-‘Iraq al-Islamiyah*”) (“ISI”); its goal was to take control of the western and central areas of Iraq and turn it into a Sunni Islamic religious state.

57. The following is a picture of the ISI flag (which also remains the flag of ISIS):



58. Nevertheless, the United States and its allies generally continued to call the group “*al-Qaeda* in Iraq” or AQI.

59. Building upon al-Zarqawi’s legacy of Internet media *jihad*, in November 2006 ISI announced the establishment of its “*al-Furqan* Institute for Media Production” (“*al-Furqan* Media”).

60. *Al-Furqan* Media’s logo appears as follows:



61. In a press release announcing *Al-Furqan* Media, ISI stated: “This Institute is a milestone on the path of Jihad; a distinguished media that takes the great care in the management

of the conflict with the Crusaders [Western nations] and their tails [sic] and to expose the lies in the Crusaders' media."⁹

62. Following a raid on one of ISI's *al-Furqan* Media offices in Samarra, Iraq in June 2007, Brigadier General Kevin Bergner, a spokesman for the Multinational Forces Iraq, described the scope of the office's operations as follows:

"[The Samarra office] produced CDs, DVDs, posters, pamphlets, and web-related propaganda products and contained documents clearly identifying al Qaeda in Iraq/[ISI]'s intent to use media as a weapon.

...

The building contained 65 hard drives, 18 thumb drives, over 500 CDs and 12 stand-alone computers . . . In all, this media center had the capacity of reproducing 156 CDs in an eight-hour period and had a fully functioning film studio.

...

[U.S. forces also found] a sampling of other propaganda documents: a letter that gives instructions on how to use the media to get out the al Qaeda [in Iraq/ISI] message most effectively; an al Qaeda [in Iraq/ISI] activity report highlighting car bomb, suicide, missile, mortar, sniping and IED [improvised explosive device] attacks; a propaganda poster that encourages filming and distributing videos, showing al Qaeda [in Iraq/ISI] attacks on coalition forces; and a pamphlet and a CD cover of their sniper school."¹⁰

63. On April 18, 2010, ISI leaders Abu Ayyub al-Masri and Abu Omar al-Baghdadi were both killed by a joint U.S.-Iraqi raid.

64. On May 16, 2010, Abu Bakr al-Baghdadi ("Abu Bakr") was announced as the new leader of ISI.

⁹ See Bill Roggio, "US targets al Qaeda's al Furqan media wing in Iraq," *The Long War Journal* (Oct. 28, 2007), http://www.longwarjournal.org/archives/2007/10/us_targets_al_qaedas.php.

¹⁰ *Id.*

C. ISI expands into Syria to become ISIS

65. In March 2013, several armed groups fighting against the regime of Syrian President Bashar al-Assad, including an Islamist group called *al-Nusra*, took control of the Syrian city of Raqqa in northeastern Syria.

66. On April 8, 2013, ISI leader Abu Bakr publicly announced that AQI/ISI had been responsible for secretly authorizing and supporting *al-Nusra* since it began operating in Syria in August 2011, and he declared that ISI and *al-Nusra* were now officially merged under the name “*ad-Dawlah al-Islamiyah fil-‘Iraq wash-Sham*” (“The Islamic State of Iraq and Syria” or “ISIS”¹¹).

67. The Syrian leader of *al-Nusra* rejected Abu Bakr’s merger announcement, but many of *al-Nusra*’s foreign-born members (including many of the *al-Nusra* members in Raqqa) willingly shifted their allegiance to ISIS.

68. Thus, ISIS gained almost overnight a substantial official presence in Syria.

69. ISIS took advantage of its expanded presence in Syria to drive other armed groups from Raqqa and ultimately take control of the city for itself.

70. By January 2014, ISIS had made Raqqa its capital.

71. ISIS imposed its own strict *sharia* rules on Raqqa’s 220,000 inhabitants, and declared members of other Muslim sects in the city to be infidels.

72. ISIS jailed, maimed, or killed its opponents in the city of Raqqa, or those whom ISIS accused of engaging in activities ISIS considered anti-Islamic.

¹¹ The Arabic “*al-Sham*” can be understood as either Syria or the Levant, the latter being a historically broader term. The English acronyms “ISIS” and “ISIL” have thus both been used to identify the same terrorist organization depending upon translation. ISIS is also known (primarily by its detractors) as “DAESH,” an acronym based upon its Arabic name.

73. ISIS subjugated the city of Raqqa through terror and fear, with its members patrolling the city wearing explosive suicide vests, killing, beheading, and crucifying some of its victims and leaving their remains in the public square.

74. Ultimately, ISIS's extreme brutality and ruthlessness even led *al-Qaeda's* leader Ayman al-Zawahiri (who succeeded Osama bin-Laden) to disavow ISIS: on February 3, 2014 al-Zawahiri declared that *al-Qaeda* had cut all ties with ISIS.

D. ISIS expands its media and communication resources

75. In addition to expanding from the “Islamic State in Iraq” to the “Islamic State of Iraq and Syria” in 2013, ISIS also began a dramatic new expansion of its media production capabilities and exploitation of social media.

76. In March 2013, ISI announced the formation of a second ISI media production arm known as “*al-I'tisam* Media Foundation” (“*al-I'tisam* Media”), in addition to its already well-established *al-Furqan* Media.

77. *Al-I'tisam* Media's logo appears as follows:



78. In August 2013, ISIS announced the formation of a third media production arm, the “*Ajnad* Foundation for Media Production” (the “*Ajnad* Foundation”), specializing in audio content, including Islamic inspirational songs (“*nashids*”) that accompany ISIS videos and are also released on their own, as well as sermons, Quran readings, and other indoctrination.

79. The *Ajnad* Foundation's logo appears as follows:



80. In May 2014, ISIS launched a fourth media production department named “*al-Hayat Media Center*” (“*al-Hayat Media*”) specifically to target Western and non-Arabic-speaking audiences, producing and distributing material in many languages, including English, French, Dutch, German, Turkish, Russian, and more.

81. *Al-Hayat Media*’s logo appears as follows:



82. With its highly developed media production departments and various branded media outlets, ISIS has been able to create propaganda, recruitment, and operational campaigns that are exceptionally professional, sophisticated, and effective.

83. Amb. Alberto Fernandez, Vice-President of the Middle East Media Research Institute (“MEMRI”) and former Coordinator for Strategic Counter-Terrorism Communications at the U.S. Department of State, has called ISIS’s media materials, “the gold standard for propaganda in terms of its quality and quantity.”¹²

¹² Dr. Erin Marie Saltman & Charlie Winter, “Islamic State: The Changing Face of Modern Jihadism,” Quilliam (Nov. 2014), <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf>.

84. Essential to the success of its media and terror campaigns—and to the success of ISIS—has been ISIS’s use of Twitter to disseminate its materials and messages and execute its propaganda, recruitment, and operational campaigns; indeed, all of ISIS’s media production departments described above use Twitter.

E. ISIS proclaims itself an Islamic Caliphate and expands its reach of terror

85. In March 2014, an ISIS Twitter “hashtag” campaign was launched with the message: “We demand Sheikh Al-Baghdadi declare the Caliphate.”

86. On June 29, 2014, ISIS declared itself a worldwide “Islamic Caliphate”¹³—an Islamic religious state to which all Muslims must submit and pledge fealty—with Abu Bakr as its “Caliph” (ruler). ISIS claimed that it is destined to establish its rule worldwide.

87. Several smaller Islamist terrorist groups have taken control of territory within other countries and areas, including Libya, Yemen, and the Sinai Peninsula, and have claimed such territories to be “provinces” of the ISIS Caliphate.

88. ISIS has engaged, and continues to engage, in horrific terrorist atrocities against civilians/non-combatants in every area it has operated.

89. ISIS has kidnapped innocent civilians and made various demands for their release, and it has carried out numerous beheadings, crucifixions, public executions, and mass-murders of its enemies and people it considers “apostates” or “infidels.”

90. ISIS has directed and overseen the systematic rape and enslavement of captive women and girls, and has conducted a program of genocide against religious and ethnic groups.

¹³ At this time, ISIS shortened its name to *ad-Dawlah al-Islamiyah* (the “Islamic State” or “IS”). For the sake of simplicity, the more commonly used name ISIS is used in this Complaint.

91. ISIS has enforced its own strict interpretations of Islamic law in the areas it has captured, meting out punishments including whipping, amputation, and death to those who fail or refuse to comply.

92. ISIS has paraded captives before cameras and forced them to give statements for ISIS propaganda, and it has become infamous for its use of Twitter to broadcast worldwide its cruel and ever-unusual executions of captives for their shocking and terror-inducing effect.

93. ISIS has recruited, and continues to recruit, individuals from all over the world to travel to Syria and Iraq for the purpose of joining its ranks and participating in its terrorist activities and atrocities.

94. Tens of thousands of people from around the world have traveled to Syria and Iraq to join ISIS and engage in its jihad.

95. ISIS has indoctrinated and provided training and resources to these recruits, and has sent many of them to return to their home countries to carry out terrorist attacks there.

96. ISIS has also solicited and recruited, and continues to solicit and recruit, individuals to remain in their home countries to carry out terrorist attacks there.

97. These efforts have been particularly directed at citizens of countries participating in efforts to suppress and defeat ISIS in Syria and Iraq, including the United States, England, France, Belgium, and Russia, and ISIS has also provided indoctrination, training and resources to these recruits to carry out terrorist attacks.

98. ISIS's use of violence against civilians is politically motivated, and intended to intimidate and coerce the civilian populations where it carries out such violence, to influence the policies of governments, and to affect the policy of governments through kidnapping, assassination, and mass destruction.

F. Official terrorist designations of ISIS

99. Not only have ISIS's claims of statehood and sovereignty been rejected by countries worldwide, ISIS has been officially designated as a terrorist organization by the United Nations, the European Union, and numerous governments around the world, including the United States, Britain, Australia, Canada, Turkey, Saudi Arabia, Indonesia, the United Arab Emirates, Malaysia, Egypt, India, Russia, Kyrgyzstan, Syria, Jordan, and Pakistan.

100. After *al-Qaeda's* September 11, 2001 terrorist attacks on the United States, President Bush issued Executive Order No. 13224 pursuant to the International Emergency Economic Powers Act, 50 U.S.C. §§ 1701 *et seq.* ("IEEPA"), in which he declared a national emergency with respect to the "grave acts of terrorism . . . and the continuing and immediate threat of further attacks on United States nationals or the United States."

101. Executive Order No. 13224 blocked all property and interests in property of "Specially Designated Global Terrorists" ("SDGT's"), prohibited the provision of funds, goods or services for the benefit of SDGTs, and authorized the U.S. Treasury to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, SDGTs, as well as their subsidiaries, front organizations, agents, and associates. Executive Order No. 13224's prohibitions remain in effect.

102. Under the IEEPA, violation of Executive Order No. 13224 is a federal criminal offense. *See* 50 U.S.C. § 1705.

103. On October 15, 2004, the U.S. Secretary of State designated ISIS, then known as "*Jam'at al Tawhid wa'al-Jihad*," as an SDGT pursuant to Executive Order No. 13224, and as a "Foreign Terrorist Organization" ("FTO") pursuant to Section 219 of the INI. 69 Fed. Reg. 61292 (2004).

104. Providing material support or resources to a designated FTO is a federal criminal offense under 18 U.S.C. § 2339B.

105. These SDGT and FTO designations have been updated from time to time to include ISIS's various aliases including, among other names, "*al-Qaeda* in Iraq," "The Islamic State of Iraq," "The Islamic State of Iraq and Syria," and "The Islamic State." The SDGT and FTO designations of ISIS remain in effect today.

II. ISIS'S EXTENSIVE USE OF TWITTER

A. Twitter's Services

106. Twitter provides a sophisticated yet easy-to-use Internet social media platform and related products and services (collectively, "Services") under the general trade name "Twitter."

107. Twitter's Services include use of Twitter's computer infrastructure, network, applications, tools and features, communications services, and more.

108. Among the specialized tools and features Twitter provides as part of its Services are: "TweetDeck" for "real-time tracking, organizing and engaging"; "Curator" for advanced locating, filtering, and displaying content; various smartphone applications; other tools for monitoring, scheduling, and creating alerts; and more.

109. Twitter's "open source" platform enables users to develop and use customized "bots" and applications to automate, specialize, and expand their use of Twitter.

110. Twitter's communications services can be used to post public messages, or privacy settings and "Direct Messages" are available to enable users to communicate privately.

111. Twitter permits users to create and follow an unlimited number of accounts.

112. Twitter provides its Services only to its registered users, who register by inputting identifying information and clicking on a “Sign up” button.

113. It is not necessary to view any of the “Terms of Service” or other policies or conditions in order to proceed with registration.

114. Twitter provides its Services to its registered users free of charge.

B. ISIS and Twitter

115. Twitter has played an essential role in the rise of ISIS to become the most feared terrorist organization in the world.

116. ISIS’s use of violence and threats of violence is calculated and intended to have an impact far beyond the harm inflicted upon the individual victims of an attack.

117. ISIS’s use of violence and threats of violence is part of its program of terrorism, designed *inter alia* to gain attention, instill fear and “terror” in others, send a message, and obtain results.

118. In other words, the physical attack itself and the harm to the individual victims of the attack are not the only goal or “end” of ISIS’s terror attacks; rather, ISIS uses terror attacks as a “means” to communicate and accomplish its broader objectives.

119. ISIS uses terrorism as a psychological weapon.

120. Thus, the messages communicated before, during, and after an ISIS terror attack, as well as the attack itself, are essential components of generating the physical, emotional, and psychological impact ISIS desire to achieve via the terrorist attack.

121. The impact and effectiveness of ISIS terrorism, and its motivation to carry out more terrorist attacks, are dependent upon ISIS’s ability to communicate its messages and reach its intended audiences, without intermediaries and without interference.

122. Twitter provides ISIS with a unique and powerful tool of communication that enables ISIS to achieve these goals, and it has become an essential and integral part of ISIS's program of terrorism.

123. Twitter enables ISIS to communicate its messages directly to intended audiences without having to go through the filter of commercial media, and it enables ISIS to have greater access to the commercial media to further its goals as well.

124. ISIS not only uses Twitter for recruiting, gathering information, planning, inciting, and giving instructions for terror attacks, ISIS also uses Twitter to issue terroristic threats, attract attention to its terror attacks and atrocities, instill and intensify fear from terror attacks, intimidate and coerce civilian populations, take credit for terror attacks, communicate its desired messages about the terror attacks, reach its desired audiences, demand and attempt to obtain results from the terror attacks, and influence and affect government policies and conduct.

125. ISIS thus uses Twitter to actually carry out essential communication components of ISIS's terror attacks.

126. Simply put, ISIS uses Twitter as a tool and a weapon of terrorism.

127. Moreover, by allowing ISIS and its affiliates to register for Twitter accounts and use Twitter's Services, Twitter lends a sense of authenticity and legitimacy to ISIS as an organization that can operate openly and with impunity, notwithstanding the murderous crimes it commits and its status as an illegal terrorist organization.

128. In defiance of federal criminal laws that prohibit providing services to designated terrorists, Twitter enables ISIS terrorists to come out of hiding and present a public face under their own brand and logo, and under the brand and logo of an American company: Twitter.

129. Twitter's provision of support to ISIS is not simply a matter of whether ISIS abuses its use of Twitter's Services, or whether Twitter abuses its editorial judgment regarding the content of ISIS's posts; under federal law, Twitter has no discretion about whether to provide its Services to ISIS—it is prohibited by law from doing so.

130. ISIS has used Twitter as an extremely effective means of announcing and releasing its propaganda materials, which include full-length videos and glossy magazines that present an image of sophistication and advanced media capabilities.

131. For example, on March 17, 2014, ISIS's *al-I'tisam* Media used Twitter to announce the release of an hour-long graphic video titled, "The Clanging of the Swords 4," produced by ISIS's *al-Furqan* Media, and then used Twitter to publish the video a few hours later using links to the video on YouTube.

132. The terrorism analysis website Jihadica.com reported that within 24 hours of the video's publication, "The Clanging of the Swords 4" had been viewed 56,998 times, with the predominate platforms for disseminating the tens of thousands of tweets about the video being Twitter's smartphone applications Twitter for Android and Twitter for iPhone.¹⁴

133. In addition, ISIS uses Twitter to exaggerate its reach and promote an image of power and supremacy over other rival groups or enemies, for example by employing multiple accounts, Twitter "bots," automated tweets, and more.

134. ISIS has mastered the use of Twitter to inflate the image of its size, ferocity, and following to the world.

¹⁴ Nica Prucha, "Is this the most successful release of a jihadist video ever?" Jihadica.com (May 19, 2014), <http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-video-ever/>.

135. For example, in April 2014, ISIS released an Arabic-language Twitter application called the “Dawn of Glad Tidings,” that it advertised as a way to keep up on the latest news about ISIS.

136. Users who downloaded the “Dawn of Glad Tidings” application had to provide personal information, and they received automatic tweets from ISIS, which included links, hashtags, and images; however, by signing up, users also gave ISIS permission to send tweets through their own personal accounts.

137. Thus, the Twitter account of a “Dawn of Glad Tidings” user would function normally most of the time, but would periodically broadcast tweets from ISIS that were also sent around at the same time to hundreds or even thousands of other accounts, thus amplifying ISIS’s message.

138. In June 2014, when ISIS advanced upon Mosul, Iraq’s second largest city, it simultaneously launched a Twitter hashtag campaign (“#AllEyesonISIS”) that registered nearly 40,000 posts (or “tweets”) in one day. These tweets flooded smartphones and computer screens throughout the Arab world with gruesome images of mass executions of Iraqi soldiers and atrocities committed by ISIS. The hashtag campaign spread fear and terror among the residents of Mosul and Iraqi Army soldiers, giving a sense of inevitability and doom about the advancing ISIS terrorists and the atrocities they would soon commit in the city. As a result, the 30,000 Iraqi Army soldiers defending Mosul fled, and a band of perhaps 2,000 ISIS terrorists captured the city of 1.5 million people.

139. Shortly after the capture of Mosul, ISIS used Twitter to broadcast images of armed ISIS terrorists looking towards Baghdad, with an ISIS flag photo-shopped atop Baghdad buildings, again projecting an air of invincibility and inevitability.

140. ISIS has used Twitter to raise its prestige among terror groups and even overtake older *jihadist* competitors like *al-Qaeda*.

141. Whereas *al-Qaeda* traditionally used more closed forums to communicate internally, ISIS has used Twitter both openly and privately to communicate with its members.

142. ISIS uses Twitter to disseminate its propaganda in print and video to both Muslims and non-Muslims, with the effect of instilling fear and terror in the “non-believers” while encouraging others to join in ISIS’s cause.

143. ISIS also uses Twitter to communicate with ISIS “sympathizers” and to provide them with directions as well.

144. For such purposes, ISIS members are encouraged to use Twitter to post videos or pictures of martyred fighters who have been killed in fighting or in suicide operations.

145. ISIS uses Twitter for intra-group communication as well.

146. For example, ISIS uses Twitter for tactical and logistical intelligence, with members using Twitter to report on operations using videos, pictures, and written statements detailing what is happening at a particular location, where enemy forces are stationed, what weapons are being used, and the effects of attack operations.

147. ISIS also uses Twitter to inform members of various rules of behavior, events, and even warnings of impending attacks.

148. ISIS has used Twitter to provide guides to members regarding the clandestine use of social media, VPNs, secure mobile networks, and encryption software.

149. ISIS uses Twitter to give guidance to members regarding cyber-warfare and security, such as encouraging the use of certain internet browsers such as Tor, Open Door, and

Kaspersky to prevent traces and to open Twitter and other social media accounts without using a phone number.

150. ISIS has used Twitter to encourage members to download identity protection software for mobile phones and other methods to increase security on their phones.

151. ISIS uses Twitter to boast about cyber-attacks and hacking operations, and to display information that they were able to obtain.

152. ISIS thus uses Twitter to instill morale in its members and to show how powerful and wide-reaching ISIS's cyber capabilities are.

153. ISIS uses Twitter extensively for recruitment of members and followers, and to inspire sympathizers around the world to commit terrorist attacks as well.

154. Twitter enables ISIS to reach out to many thousands of potential recruits with its messages and videos.

155. For example, in June 2014, ISIS's *al-Hayat* Media used Twitter to launch and propagate a series called the "Mujatweets," claiming to show "snippets of day-to-day life in the 'Islamic State'" to portray life under ISIS as peaceful and normal.

156. ISIS has also used Twitter to post enticing images of life in ISIS-controlled areas and distribute pamphlets such as "Life in Wilayat Nineveh" and "Mosul at Night" that show people laughing, enjoying ice cream, and shopping.

157. ISIS uses Twitter to portray religious followers as happy, content, and smiling.

158. ISIS's use of Twitter accounts provide individuals around the world with a means to reach out to ISIS directly.

159. After first contact, potential recruits and ISIS recruiters often communicate via Twitter's Direct Messaging capabilities.

160. Twitter itself describes Direct Messages as follows: “Direct Messages are the private side of Twitter ... Communicate quickly and privately with one person or many. Direct Messages support text, photos, links, emoji and Tweets, so you can make your point however you please ... Have a private conversation with anyone on Twitter, even a friend of a friend. Direct messages can only be seen between the people included.”

161. According to FBI Director James Comey:

“[W]ith the rise of [ISIS], we were suddenly confronted with a terrorist group that had ... an entirely different way of approaching terrorism.

Their mission was two-pronged: to bring fighters and their families to the Iraq-Syria border region where they claim their so-called caliphate, and if they couldn’t attract fighters to them, they wanted people to kill where they were ... That was their twin-pronged call, their siren song. Come or kill, come or kill.

The message went out in a way that [bin-Laden’s original] al Qaeda never imagined and never could have dreamed of ... the threat came from [ISIS] over social media. Social media, which had revolutionized the way all of us connect to each other, and revolutionized terrorism because [ISIS] could send their twin-pronged message of come or kill out through the chaotic spider web of Twitter.

In the old days ... if someone wanted to consume terrorist propaganda, they went to a particular place. They went to a web forum. They went to find where a copy of [al-Qaeda’s] *Inspire* magazine was posted. And if they wanted to talk to a terrorist, they sent an e-mail into *Inspire* magazine and would hope that [a terrorist] would e-mail back ... [ISIS] changed that model. Now there is no longer a place where the media is posted. Now it goes out through this chaotic spider web. And it arrives in your pocket, on the device on your hip or in your breast pocket, all day long is the twin message. Come or kill. Come or kill. And if you want to talk to a terrorist, you don’t need to send an e-mail to anybody. You just need to follow that terrorist on Twitter, and then maybe engage in Twitter direct messaging with that terrorist.

[ISIS] invested in a very slick message that buzzes in pockets all over the world ... Twitter works as a way to sell books, as a way to promote movies. It works as a way to crowd source terrorism, to sell murder.”¹⁵

162. According to the Brookings Institution, some ISIS members “use Twitter purely for private messaging or covert signaling.”¹⁶

163. ISIS has also used Twitter’s Direct Messaging capabilities for fundraising and operational purposes.

164. New ISIS members also use Twitter to advertise their membership and terrorist activities, and to recruit others to join.

165. For example, in May 2013, a British citizen who publicly identified himself as an ISIS supporter tweeted about landing in Turkey before crossing into Syria to join ISIS in its fight against the Syrian regime.

166. Likewise, in December 2013, the first Saudi Arabian female suicide bomber to join ISIS in Syria tweeted her intent to become a martyr for ISIS as she left for Syria.

167. Through its use of Twitter, ISIS has recruited more than 30,000 foreign recruits since 2014, including some 4,500 Westerners and 250 Americans.

168. ISIS has used Twitter to indoctrinate and radicalize potential recruits and followers, providing a constant stream of religious teachings, mantras, and images showing the

¹⁵ James B. Comey, “Standing Together Against Terrorism and Fear: Tossed by the Waves but Never Sunk,” *NYPD Shield* (Dec. 16, 2015), <https://www.fbi.gov/news/speeches/standing-together-against-terrorism-and-fear-tossed-by-the-waves-but-never-sunk>.

¹⁶ J.M. Berger and Jonathon Morgan, “The ISIS Twitter Census: Defining and describing the population of ISIS supporters on Twitter,” *The Brookings Institution* (Mar. 2015), http://www.brookings.edu/~media/research/files/papers/2015/03/isis-twitter-census-berger-morgan/isis_twitter_census_berger_morgan.pdf.

“truth” of ISIS’s doctrines and the “heresy” of other groups, particularly Christians, Jews, and non-Sunni Muslims.

169. ISIS also uses Twitter to compete with other *jihadi* terrorist groups. For example, ISIS has used Twitter to condemn the Palestinian terrorist group Hamas because of the latter’s alliance with predominately-Shiite Iran.

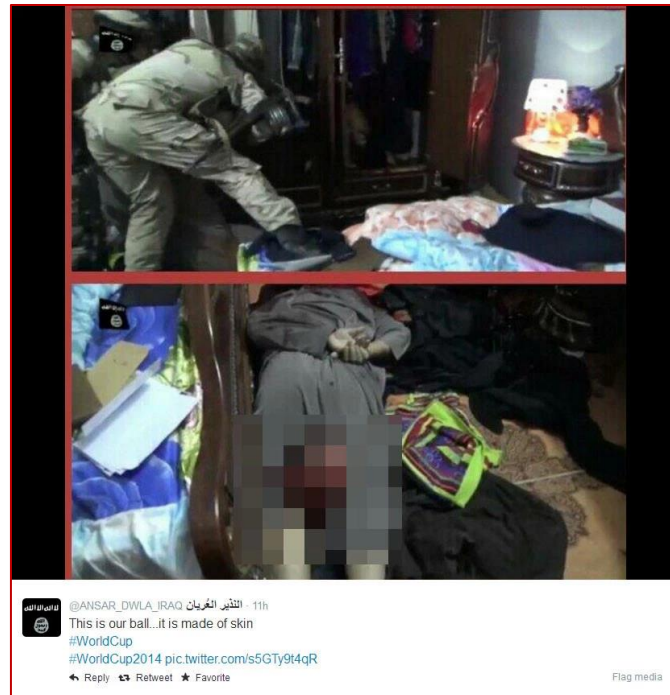
170. ISIS has used Twitter to exaggerate its expansion territorially by disseminating updated maps showing areas ISIS claims to control as well as other regions where other groups have allegedly pledged allegiance to ISIS.

171. ISIS has used Twitter to generate sympathy by showing images of women and children allegedly injured or killed by the enemies of ISIS.

172. ISIS has used the tactic of “hashtag hijacking” on Twitter, by which ISIS will use an existing hashtag that is unrelated to ISIS’s topic and flood the hashtag with ISIS’s tweets.

173. For example, during the 2014 World Cup, ISIS forced its message onto an unexpected audience by using “hashtag hijacking” to mass-tweet the image of a decapitated head with the caption: “This is our football, it’s made of skin #WorldCup.”¹⁷

¹⁷ Selim Algar, “‘This is our ball’: Iraqi jihadis cut off head for World Cup tweet,” *New York Post* (Jun. 13, 2014), <http://nypost.com/2014/06/13/iraqi-jihadists-joke-about-using-severed-head-as-soccer-ball>. Note that the image copied to this Complaint is taken from the foregoing news article with the image of the severed head blurred by editors. The original ISIS tweet was uncensored and the severed head was clearly visible. ISIS also tweeted video footage of the beheading. *Id.*



174. Tactics such as “hashtag hijacking” not only ensure ISIS’s ability to reach wider audiences, but also to give the sense that ISIS is ever-present and cannot be ignored.

175. ISIS uses Twitter as a psychological weapon to project strength, brutality, superiority, and invincibility, and to instill fear, awe, and terror.

176. ISIS regularly records the executions of large groups of local prisoners in order to intimidate and demoralize its opposition. ISIS uses Twitter to make these videos, mixed and produced with drama and set to music, “go viral” on the internet and into the mainstream media.

177. For example, in October 2013, ISIS used Twitter to post a video of a prison break at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers.

178. In July, 2014, ISIS used Twitter to tweet images of the beheading of about 75 Syrian soldiers who had been captured during the Syrian conflict.

179. In August 2014, an Australian ISIS member tweeted a photograph of his seven-year-old son holding the decapitated head of a Syrian soldier.

180. On August 19, 2014, ISIS used Twitter to disseminate a video in English titled “A Message to America,” showing the beheading of American journalist James Foley by a hooded man with a British accent, later known as “Jihadi John”:



181. In the video of Foley’s murder, ISIS also showed another captive American, Steven Sotloff, and threatened that his fate would be the same if the U.S. did not cease all attacks against ISIS.

182. On September 2, 2014, ISIS used Twitter to release a video titled “A Second Message to America,” showing the beheading of Steven Sotloff:



183. The video of Sotloff’s murder was followed shortly after by similar videos of beheadings released by ISIS using Twitter, including the following in 2014:

- a. David Haines, a British aid worker, video released September 13, 2014;
- b. Alan Henning, a British aid worker, video released October 3, 2014; and
- c. Peter Kassig, an American aid worker (video shows that he was beheaded and the beheading of Syrian soldiers), video released November 16, 2014;

184. On February 3, 2015, ISIS's *al-Furqan* Institute used Twitter to disseminate a video titled "Healing a Believer's Chest," showing Jordanian pilot Mu'adh Al-Kasasbeh, who had been captured by ISIS, burned alive in a cage. The following are scenes from that video:



185. On February 15, 2015, ISIS used Twitter to release a video titled "A Message Signed With Blood To The Nation Of The Cross," showing the beheading of 21 Coptic Christian men ISIS had captured in Libya:



186. ISIS has also used Twitter to release videos of other cruel executions, including numerous beheadings and crucifixions, discharging explosives attached to captives, slowly lowering caged captives into water to drown, and more.

187. ISIS's ability to force upon the world its message, evidence of its atrocities, and the image of its continued vitality using Twitter, not only intensifies the intimidation it creates, but also motivates and emboldens its members and followers to carry out even more terrorist attacks.

188. ISIS also uses Twitter to raise funds for its terrorist activities.

189. David Cohen, the U.S. Treasury Department's Under Secretary for Terrorism and Financial Intelligence, has described ISIS "donor networks" that involve "bundlers" who use

social media to solicit funds in Persian Gulf states and deliver the funds to ISIS in Iraq and Syria. Asked whether these donations received through social media involve “small-dollar donations [or] big-dollar donations,” Under Secretary Cohen replied:

“Look, I think it’s all of the above. You see these appeals on Twitter in particular from well-known terrorist financiers, ones that we’ve designated, that have been designated at the U.N., asking for donations to be made to -- and they’re quite explicit -- that these are to be made to [ISIS] for their military campaign.”¹⁸

190. The Financial Action Task Force (“FATF”) has reported that “individuals associated with ISIL have called for donations via Twitter and have asked the donors to contact them through Skype.”¹⁹

191. In the spring of 2014, a similar Twitter campaign asked ISIS followers to “support the Mujahideen [holy warriors] with financial contribution via the following reliable accounts,” and provided contact information for how to make the requested donations.

192. In other Twitter fundraising campaigns, ISIS has posted photographs of cash, gold bars, and luxury cars that it received from donors, as well as weapons purchased with the proceeds.

193. ISIS uses Twitter to inflame Muslim emotions and incite violence against non-Muslims, and to glorify terrorist “martyrs” and *jihad*.

¹⁸ “Press Briefing by Press Secretary Josh Earnest, 10/23/2014,” *The White House, Office of the Press Secretary* (Oct. 23, 2014), <https://www.whitehouse.gov/the-press-office/2014/10/23/press-briefing-press-secretary-josh-earnest-10232014>.

¹⁹ “Financing of the Terrorist Organisation Islamic State in Iraq and the Levant (ISIL),” *Financial Action Task Force (FATF)* (Feb. 2015), http://www.ilsole24ore.com/pdf2010/Editrice/ILSOLE24ORE/ILSOLE24ORE/Online/Oggetti_Correlati/Documenti/Notizie/2015/02/Financing.pdf.

194. ISIS uses Twitter to provide hyperlinks to other online sites, postings, media, and other social network media, as well as to provide updates to new ISIS Twitter accounts and hashtag references.

195. Thus, ISIS uses Twitter as a platform from which followers can access not only Twitter postings and comments, but also other websites, Facebook pages, YouTube content, and other online social network media.

196. ISIS uses Twitter as a means to communicate its messages to the broader news media, including Twitter accounts and posts in English, French, and other languages.

197. ISIS uses Twitter to monitor news, police operations, intelligence information, terrorism investigators, and others sources of information that may be useful to ISIS in planning and carrying out attacks.

198. ISIS members will often open Twitter accounts solely for the purpose of following other Twitter accounts, whether accounts of other ISIS members, leaders, enemies, news, or police and intelligence accounts, and more.

199. ISIS members use Twitter accounts to build and maintain networks.

200. Twitter is especially useful to ISIS because, among other things, it is provided free of charge, allows unlimited accounts and usage, offers the ability to push content to an enormous number of users instantaneously, provides the ability to communicate without disclosing location, enables like-minded users to connect and communicate, affords both public and private communications, and integrates other social media platforms and services.

201. Moreover, the money ISIS saves by using Twitter frees up funds for Twitter to devote to even more terrorist attacks.

202. In all of these ways and more, Twitter's Services have played an essential role in enabling ISIS to grow, develop, and project itself as the most feared terrorist organization in the world.

203. The technological capabilities that Twitter's Services give to ISIS have had an enormous impact on ISIS's methods and success in recruiting, indoctrination, training, gathering and disseminating intelligence, conducting terrorist operations, and engaging in psychological warfare.

204. Twitter's Services thus substantially contributed to ISIS's ability to carry out more terrorist operations, including the Paris Attack and the Brussels Attack, and the nature and expected consequence of providing these resources to ISIS was that they would be used to plan and carry out terrorist activity.

205. Prior to these attacks, many were calling upon Twitter to cease providing its Services to ISIS for just that reason; indeed, by the time of the Paris Attack, French authorities were not wondering whether ISIS would carry out such a terrorist attack in France, but when it would do so.

III. ISIS'S NOVEMBER 13, 2015 PARIS ATTACK AND MARCH 22, 2016 BRUSSELS ATTACK

A. Introduction

206. On November 13, 2015, ISIS carried out a horrific terrorist attack in Paris, France, murdering 130 people, including Nohemi Gonzalez, and injuring hundreds more (the "Paris Attack").

207. On March 22, 2016, ISIS carried out another horrendous terrorist attack in Brussels, Belgium, murdering 32 people, including Alex Pinczowski and his sister Sascha Pinczowski, and also injuring hundreds more (the "Brussels Attack").

208. These two terrorist attacks were intended: a) to intimidate and coerce the civilian population of France, Belgium, the United States, and other countries engaged in activities against ISIS; b) to influence the policies of these governments by intimidation and coercion; and c) to affect the conduct of these governments by mass destruction, assassination, and kidnapping.

209. Indeed, a major component of these attacks was the messaging disseminated by ISIS prior to, during, and after the events, in which ISIS stated its reasons for committing the terrorist attacks against these countries' civilians.

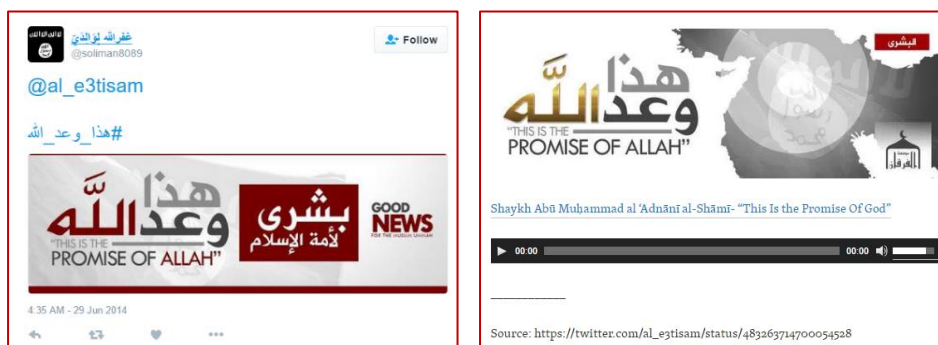
210. These attacks involved extensive planning, recruiting, organization, training, preparation, coordination, and funding.

211. They also involved private communications between ISIS members as well as public communications to intensify the desired fear and intimidation.

212. ISIS used Twitter's services to facilitate and accomplish all of these things.

B. ISIS vs. the United States, France, and their Allies

213. On June 29, 2014, ISIS used Twitter to release an audio message from ISIS spokesman Abu Muhammad al-Adnani ("al-Adnani") titled "This is the Promise of Allah [God]":



214. In the July 29, 2014 message, al-Adnani announced the establishment of a worldwide Islamic Caliphate with Abu Bakr as the new Caliph. Al-Adnani stated that

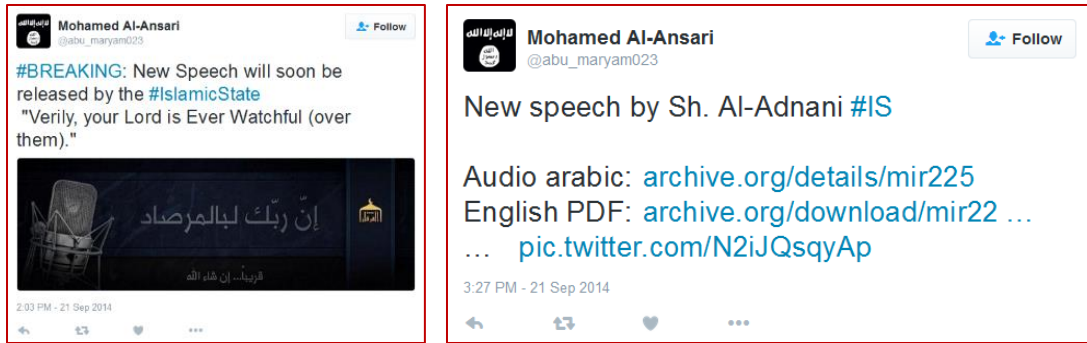
establishing the Caliphate had become a collective obligation for all Muslims and that the Islamic world would be sinning if it did not do so. He also stated that Muslims everywhere must pledge allegiance to the Caliph, support him and obey him. Al-Adani urged ISIS's members to remain united, adding that if anyone tried to break away, the members should "split his head with bullets and empty its insides, whoever he may be."

215. On July 1, 2014, ISIS used Twitter to release an audio message from Abu Bakr titled "A Message to the Mujahidin [holy warriors] and the Islamic Ummah [Nation] in the [Muslim] Month of Ramadan":



216. In his July 1, 2014 audio message, Abu Bakr called upon all Muslims to take up arms, engage in *jihad*, and emigrate to the new Caliphate. He further urged Muslims to "[s]upport the religion of Allah through *jihad* in the path of Allah" and "[t]errify the enemies of Allah and seek death in the places where you expect to find it."

217. On September 21, 2014, ISIS used Twitter to release a new audio message from al-Adnani titled "Verily Your Lord is Ever Watchful":



218. In his September 21, 2014 message, al-Adnani urged ISIS supporters worldwide to perform terrorist attacks against countries that participated in fighting against ISIS, and in particular, against the United States, France, and other European nations. The following are translated excerpts from this message:

“[To the U.S. and its allies:] We promise you that this campaign will be your last and it will collapse and fail, just as all your other campaigns collapsed. But this time, when the war ends we will be the ones to invade your countries, whereas you will no longer invade [ours]. We will invade your Rome, break your Cross and enslave your women, with Allah’s help. This is His promise and he will not break it until it is realized. And if we do not achieve this, our sons or grandsons will, and they will sell your sons and grandsons as slaves.

...

[To American and Europeans:] The Islamic State did not launch a war against you, as your lying governments and your media claim. You are the ones who initiated hostilities against us, and the [side] that initiates hostilities is the evil one. You will pay [for it] dearly when your economies collapse. You will pay dearly when your sons are sent to fight us and return crippled and damaged, in coffins or as lunatics. You will pay when each of you feels afraid to travel abroad. You will pay when you walk the streets in trepidation, for fear of Muslims. You will not be safe in your own beds. You will pay the price when your Crusader war fails, and then we invade the very heart of your countries.

...

[To Muslims:] O monotheist, don’t sit out this war, wherever you may be. [Attack] the tyrants’ soldiers, their police and security forces, their intelligence [forces] and collaborators. Cause them to lose sleep, make their lives miserable, and cause them to be preoccupied with their own [problems]. If you are able to kill an American or European infidel – particularly any of the hostile, impure Frenchmen – or an Australian or a Canadian, or any [other] infidel enemy from

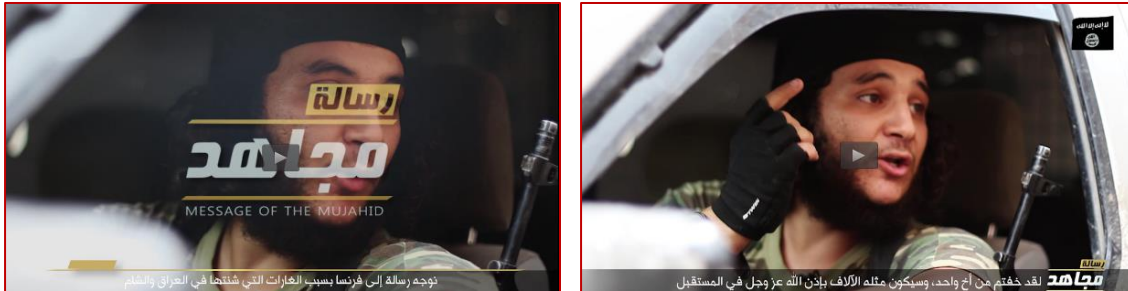
the countries that have banded against the Islamic State, then put your trust in Allah and kill him, by any way or means. Do not consult anyone and do not seek a *fatwa* [religious ruling] from anyone. It is immaterial if the infidel is a combatant or a civilian. Their sentence is one; they are both infidels, both enemies. The blood of both is permitted . . . The best thing to do would be to kill any French or American infidel or any of their allies . . . If you cannot [detonate] a bomb or [fire] a bullet, arrange to meet alone with a French or an American infidel and bash his skull in with a rock, slaughter him with a knife, run him over with your car, throw him off a cliff, strangle him, or inject him with poison. Don't stand by, helpless and abject . . . If you are incapable even of this – then spit in his face. And if you refuse [to do] this while your brothers are being bombed and killed and their lives and property are under attack everywhere, then examine your faith. This is a serious matter you face, for the Islamic faith is predicated upon the principle of loyalty to Muslims and hostility toward infidels.”²⁰

219. On October 14, 2014, ISIS used Twitter to release a video message, titled “Message of the Mujahid 3,” even directing one of the tweets directly to French President Hollande:



220. The Message of the Mujahid 3 video was directed to the people of France, and featured a French-speaking member of ISIS in the driver's seat of a car with a rifle threatening France with terrorist attacks and calling upon Muslims to carry out attacks:

²⁰ See “Responding To U.S.-Led Campaign, IS Spokesman Calls To Kill Westerners, Including Civilians, By Any Means Possible,” *The Middle East Research Institute (MEMRI)* (Sept. 22, 2014), http://www.memrijtm.org/content/view_print/blog/7825.



221. The following is a translation of excerpts from the French-speaker's statement in the Message of the Mujahid 3 video:

"We will give a message to France over the bombing in Iraq and Syria. We have warned, you are at war against the Islamic State. We are people to whom the victory will be assured with the help God. Now you have been warned.

...

You have so many murders and killings as did our dear brother Mohamed Merah. You were afraid of a brother, there will be thousands in the future.

...

This is a message to all Muslims of France. Enjoy and see what happens in the world. They gathered against us. Why, because we are defending Islam and because we want to apply the law of Allah. . . . You say that we're the criminals. But they're the cowards who drop bombs in their sky. We will take revenge for all the brothers and all the civilians who were killed.

...

You will not be safe anywhere in France or in other countries. We will make appeals to all brothers who live in France to kill any civilian. You will never be safe. All murders you committed, you will regret it."

C. Recruiting and Planning

222. Abdelhamid Abaaoud ("Abaaoud"), was a dual Belgian-Moroccan national born in Brussels in 1987.

223. Between 2006 and 2012, Abaaoud was arrested several times, resulting in various light sentences including community service, probation, and jail time.

224. After his release from jail in September 2012, Abaaoud became involved in an Islamic group that was recruiting for *jihād* in Syria.

225. In March 2013, Abaaoud traveled to Syria via Egypt with six others from Belgium. Abaaoud joined ISIS and took on the names “Abou Omar al-Soussi” and “Abu Omar al-Beljiki.”

226. Abaaoud returned to Belgium about September 2013.

227. According to investigators, while back in Belgium, Abaaoud received a telephone call from ISIS member Mehdi Nemmouche, a French national who is the prime suspect of the May 2014 attack in which an ISIS terrorist murdered four people at a Jewish museum in Brussels.

228. In December 2013, Abaaoud opened a Twitter account (the “Abaaoud Account”), which he used to follow other ISIS Twitter accounts. This account remains open until today.²¹

229. The Abaaoud Account shows that Abaaoud had connected his account to at least 14 other Twitter accounts to automatically follow those accounts, and that the Abaaoud Account was similarly “followed” by a number of other ISIS-related Twitter accounts as well.

230. A number of the Twitter accounts that Abaaoud automatically followed on the Abaaoud Account were ISIS-affiliated Twitter accounts that displayed the ISIS flag and insignia.

231. Several of the Twitter accounts that Abaaoud automatically followed promoted ISIS’s extremist religious indoctrination and ideology, religious and ethnic hatred, and acts of terrorism and violence against civilians.

232. Several of the Twitter accounts that Abaaoud automatically followed were accounts of female ISIS members and recruits.

²¹ Because the Abaaoud Account remains open, Plaintiff’s have not included specific identification information for this Twitter account in this publicly filed Complaint.

233. In January 2014, Abaaoud brought his 13-year-old brother Younes out of Brussels, and the two traveled to Syria via a flight from Cologne to Istanbul.

234. In early 2014, Abaaoud posted on his Facebook page a video in which he appears as an ISIS fighter in Syria describing his role as a *jihadi* [“holy warrior”]; the video also included profiles and statements by other ISIS *jihadis* and was designed to glorify *jihad* [“holy war”] and recruit more ISIS members to come to Syria and Iraq. Upon information and belief, the video was also distributed via Twitter.

235. In October 2014, ISIS used Twitter to release a list of ISIS members who were recently killed in battle, and Abaaoud’s name was included in the list. The list also included other known associates of Abaaoud. Belgian counterterrorism officials reported that Abaaoud’s name was likely included in the list as a means of faking his death so he could avoid security services and travel more easily to Europe to coordinate terrorist plots.

236. On January 15, 2015, Belgian commandos thwarted an ISIS terrorist plot (the “Verviers Plot”) when they raided a safe house in Verviers, Belgium, killing ISIS terrorists Sofiane Amghar (“Amghar”) and Khalid Ben Larbi (“Larbi”), and arresting a third conspirator.

237. In the safe house, police found AK-47 assault rifles, components of the explosive TATP, GoPro cameras, and police uniforms.

238. Officials reported that the Verviers Plot had included a planned beheading of a police officer that was to be filmed.

239. Police investigators determined that Abaaoud had been in contact with the three Verviers terrorists via cellphone in Greece at the time of the raid, and was involved in the Verviers Plot.

240. In February 2015, ISIS used Twitter to release the seventh issue of its online English-language magazine *Dabiq*:



241. ISIS's *Dabiq* Issue 7 featured an interview of Abaaoud, and included a photograph of Abaaoud (a/k/a Abu Umar al-Baljiki) walking with Amghar (a/k/a Abu Khalid al-Baljiki) and Larbi (a/k/a Abuz-Zubayr al-Baljiki), the ISIS terrorists who were supposed to carry out the Verviers Plot but who were killed in the Verviers raid:



242. In the *Dabiq* Issue 7 interview, Abaaoud insinuated that he had been in Belgium himself, stating: "I was able to leave and come to *Sham* [Syria] despite being chased after by so many intelligence agencies. My name and picture were all over the news yet I was able to stay in

their homeland, plan operations against them, and leave safely when doing so became necessary.”

243. On February 11, 2015, ISIS used Twitter to release its second issue of its online French-language magazine *Dar al-Islam*, with the cover-line “May Allah [God] Curse France”:



244. ISIS’s *Dar al-Islam* online French-language magazine is dedicated to recruiting French-speaking members for ISIS and promoting attacks against France and other western countries.

245. *Dar al-Islam* Issue 2 was released shortly after a series of Islamist terrorist attacks in Paris had taken place from January 7-9, 2015. In one attack, two “*al-Qaeda* in the Arabian Peninsula” (“AQAP”) terrorists shot and killed 11 civilians and a police officer and wounded 11 others in a shooting attack at the office of the *Charlie Hebdo* satire magazine. Immediately afterward, ISIS terrorist Amedy Coulibaly (“Coulibaly”) shot and killed a police officer and a jogger, and then killed four Jewish shoppers and took others hostage at a Hypercacher kosher supermarket.

246. *Dar al-Islam* Issue 2 praised and justified these attacks, and featured pictures of Coulibaly and an interview of his wife, Hayat Boumeddiene.

247. The issue also called for more terrorist attacks against France and other western countries. One article in this issue included the following statement:

The disbeliever states have understood the consequences of the return of the Caliphate: the end of the domination by the Jews, the Crusaders and their allies. Every sincere Muslim must migrate to one of the regions of the Islamic State, the land of Islam, and leave the land of disbelief led by the worst *tawaghit* [tyrants] of this world, who constantly war against our community. The time has come for the believers to go forth, to recover the land, and not to let these tyrants rest for one second. . . . France needs to mourn its dead as we mourn our own; may they see the blood of their own people flow like we see that of our own.

248. In June 2015, French police took an ISIS recruit named Nicholas Moreau (“Moreau”) into custody after he was deported from Turkey.

249. Under interrogation, Moreau told the police that Abaaoud was “the principal commander of future attacks in Europe,” and had been given the task by ISIS of examining the background of potential recruits for those attacks.²²

250. After arresting Moreau, French police arrested another ISIS recruit in 2015 named Reda Hame (“Hame”) before he was able to carry out a planned terrorist attack.

251. During his interrogation on August 13, 2015, Hame told the police that in June 2015 Abaaoud had given Hame hands-on training in a park in Raqqa on the use of Kalashnikov assault rifles and grenades.

252. Hame told police that Abaaoud directed him to choose “an easy target, like a group of people, a concert for example, where there is a crowd,” and instructed Hame that after carrying out the attack, he should wait for police to arrive and “die while killing the hostages.”

²² Paul Cruickshank, “The inside story of the Paris and Brussels attacks,” *CNN* (Mar. 30, 2016), <http://edition.cnn.com/2016/03/30/europe/inside-paris-brussels-terror-attacks/index.html>.

253. Hame said that Abaaoud told him that “if lots of civilians were hit, the foreign policy of France would change.”

254. Asked by police whether he was aware of any pending attacks, Hame replied: “All I can tell you is that it’s going to happen soon. It’s a veritable factory over there – they are really looking to hit France or Europe.”²³

D. The Team of ISIS Terrorists Gather in Preparation of the Attack

255. By the end of September 2015, Abaaoud had again slipped back into Europe.

256. In early September 2015, Abaaoud’s childhood friend named Salah Abdeslam (“Abdeslam”) traveled to Hungary to pick up two ISIS members, Mohammed Belkaid (“Belkaid”) and Najim Laachraoui (“Laachraoui”), who had arrived from Syria using fake identities.

257. On September 9, 2015, Abdeslam, driving a rented Mercedes, was checked by authorities at the Hungarian-Austrian border on his way back to Belgium with Belkaid and Laachraoui.

258. On October 3, 2015, two Iraqi ISIS members arrived at the Greek island of Leros on a boat with nearly 200 migrants.

259. Using fake Syrian passports, the two Iraqis registered as refugees, took a ferry to Athens, and then traveled through the Balkans, Hungary, and Austria to meet the other ISIS conspirators in Belgium.

260. The group of ISIS conspirators that gathered together in Belgium in preparation for the Paris Attack included at least twelve people:

- a. Abaaoud (a/k/a Abou Omar al-Belgiki, a/k/a Abou Omar al-Soussi);

²³ *Id.*

- b. Belkaid;
- c. Laachraoui (a/k/a Abu Idriss);
- d. Abdeslam;
- e. an Iraqi with the *nom de guerre* Ukachah al-Iraqi;
- f. an Iraqi with the *nom de guerre* Ali al-Iraqi;
- g. Bilal Hadfi (“Hadfi”) (a/k/a Abu Mujaed al-Baljiki);
- h. Abdeslam’s brother, Brahim Abdeslam (“Brahim”) (a/k/a Abu Qaqa al-Baljiki);
- i. Chakib Akrouh (“Akrouh”) (a/k/a Dhul-Qarayn al-Baljiki);
- j. Ismael Omar Mostefai (“Mostefai”) (a/k/a Abu Rayyan al-Faransi);
- k. Samy Amimour (“Amimour”) (a/k/a Abu Qital al-Faransi); and
- l. Foued Mohamed-Agged (“Agged”) (a/k/a Abu Fu’ad al-Faransi, a/k/a Abou Foued Mouhajir).

261. Abaaoud appears to have been the operational leader of the ten ISIS terrorists who would execute the Paris Attack.

262. Belkaid and Laachraoui were apparently senior ISIS members who would remain in Belgium and communicate with the attackers via cellphone to coordinate the attacks.

263. Laachraoui was also the bomb-maker who prepared the TATP explosive suicide-belts that were worn and used by the ISIS terrorists who would execute the Paris Attack.

264. In December 2012, Laachraoui opened a Twitter account (the “Laachraoui Account”), which he used to follow and communicate with others, including ISIS Twitter accounts. This account remains open until today.²⁴

265. The Laachraoui Account shows that Laachraoui had connected his account to at least 41 other Twitter accounts to automatically follow those account, and that the Laachraoui Account was similarly “followed” by a number of other ISIS-related Twitter accounts as well.

266. A number of the Twitter accounts that Laachraoui followed and communicated with on the Laachraoui Account were ISIS-affiliated Twitter accounts that displayed the ISIS flag and insignia. Several of these accounts promoted ISIS’s extremist religious indoctrination and ideology, religious and ethnic hatred, and acts of terrorism and violence against civilians.

267. From approximately early September 2015 until shortly before the Paris Attack, the ISIS conspirators of the Paris Attack gathered in three safe houses in Belgium, including a large villa rented by Laachraoui.

268. Between November 11 and November 13, 2015, the ISIS members who were to execute the Paris Attack moved from Belgium to Paris, where they divided themselves between two locations: a hotel and a rented house.

E. The Paris Attack

269. On the night of November 13, 2015, the ISIS terrorists in Paris split into three groups: one group set out in a black Renault Clio driven by Abdeslam, with Hadfi and the two Iraqis (the three “Stadium Attackers”) as passengers; a second group travelled in a black Seat Leon driven by Abaaoud, with Brahim and Akrouh as passengers (the three “Café Attackers”);

²⁴ Because the Laachraoui Account remains open, Plaintiff’s have not included specific identification information for this Twitter account in this publicly filed Complaint.

and the third group consisting of Mostefai, Amimour, and Agged (the three “Bataclan Attackers”) rode in a black Volkswagen Polo.

270. Shortly before 9:00 p.m., Abdeslam dropped the Stadium Attackers off outside the Stade de France (the “National Stadium”) in Paris, and then drove away.

271. French President Francois Hollande was at the National Stadium at the time.

272. Beginning at about 9:05 p.m., a security guard at Gate R blocked one of the Iraqis four times trying to sneak into the stadium.

273. At about 9:20 p.m., one of the Iraqi suicide bombers (with a fake Syrian passport in the name Ahmad al Mohammad) blew himself up outside Gate D, killing one other person. Hadfi was on the phone with Abaaoud at the time.

274. At about 9:20 p.m., Abaaoud was driving a black Seat Leon with Brahim and Akrouh as passengers on the Rue Bichat towards Paris’s café district.

275. At about 9:25 p.m., a car blocked Abaaoud’s path on Rue Bichat. Five shots were fired from the Seat Leon, killing the driver of the blocking car.

276. Abaaoud then stopped the car in the middle of the road and turned on the hazard lights. Abaaoud, Brahim, and Akrouh got out of the car shouting “Allahu Akbar” and, using Kalashnikov AK-47 assault rifles, they opened fire on people at the Petit Cambodge Cambodian restaurant on Rue Bichat and the La Carillon bar on the other side of the road, killing 13 people.

277. The three terrorists got back into the black Seat Leon car and drove on.

278. At about 9:30 p.m., the second Iraqi suicide bomber exploded outside Gate H at the national stadium. Fortunately, no one besides the bomber was killed.

279. At about 9:32 p.m., the black Seat Leon stopped again. Abaaoud, Brahim, and Akrouh got out of the car and, shouting “Allahu Akbar,” they opened fire at patrons at the Casa

Nostra pizzeria and Bonne Biere café near the Place de la Republique square. This time they murdered five people, before jumping back into the car.

280. At about 9:36 p.m., Abaaoud, Brahim, and Akrouh opened fire at the La Belle Equipe café on Rue de Charrone, killing 19 people, including 23-year-old Nohemi Gonzalez, an American student in Paris on a study-abroad program. Most of those who were murdered at this café were sitting on the outdoor terraces. A witness reported that the three terrorists did not speak to each other as they calmly sprayed bullets at the cafés and at cars travelling down the road.

281. The black Seat Leon then sped to a new location.

282. At about 9:40 p.m., Abaaoud dropped off Brahim, who was wearing a hooded jacket over several layers of clothing, at the Comptoir Voltaire café. Brahim entered the covered interior terrace of the café, smiled at the patrons, apologized for interrupting their dinner, and blew himself up.

283. Abaaoud and Akrouh next drove toward the Montreuil suburb of Paris, where they abandoned the black Seat Leon car.

284. At about 9:40 p.m., Mostefai, Amimour, and Agged, driving a black Volkswagen Polo, pulled up in front of the Bataclan Theatre concert hall in Paris and parked the car.

285. At about 9:42 p.m., one of the three terrorists in the black Volkswagen Polo sent a text message on a Samsung smartphone to a cellphone in Brussels: “We’re getting going; we’re starting.” He then tossed the phone into a trash can near the entrance of the concert hall.

286. Police recovered the Samsung smartphone from the trash can after the Paris Attack, and determined that the text message was received in Brussels on a cell phone used by Belkaid. Police also determined that a second cellphone in Brussels, used by either Belkaid or Laachraoui, was also communicating with Hadfi and Abaaoud during the Paris Attack.

287. The three Bataclan attackers first killed three people outside the concert hall, then went in and moved to the concert floor, shooting people and shouting “Allahu Akbar.” As one terrorist fired his weapon, another reloaded so they could kill as many as possible. The third terrorist stood at the emergency exit and attacked people who attempted to escape.

288. The terrorists spoke French, telling the wounded on the floor: “Anybody who moves, I’m going to kill.”

289. At about 9:50 p.m., Hadfi, the third national stadium suicide bomber, exploded next to a McDonald’s restaurant nearby the stadium, injuring more than 50 people.

290. After the Bataclan attackers’ initial wave of killing, they briefly stopped and were heard to say: “Where is the singer? Where are those Yanks? It’s an American group, you’re bombing us with the Americans, so we’re going to hit the Americans and you.”

291. The Bataclan terrorists told those on the floor that they had been dispatched from Syria by ISIS to carry out the attack to avenge French airstrikes in Iraq and Syria.

292. At about 10:00 p.m., two French police officers arrived at the Bataclan hall and shot Amimour. As Amimour fell to the floor, he detonated his suicide vest.

293. Mostefai and Agged took some of the surviving concert-goers and herded them into a corridor inside the Bataclan building to hold as hostages.

294. At about 10:45 p.m., French “RAID” commandos arrived and began communicating with Mostefai and Agged. The two terrorists in the Bataclan threatened to execute their hostages unless they received a signed paper promising that France would leave Muslim lands.

295. In the meantime, Abaaoud had taken the metro back into Paris to coordinate the Bataclan attack. He was seen by a witness outside the concert hall yelling orders into a hands-free cellphone.

296. Just after midnight, the RAID commandos stormed the concert hall, rescuing the hostages alive. Mostefai and Agged were both shot by police, and at least one of them managed to detonate his suicide vest.

297. By the end of the Paris Attack, the ISIS terrorists had murdered 130 people and injured nearly 400.

298. Seven of the ten ISIS terrorist attackers were dead, leaving only Abaaoud, Akrouh, and Abdeslam alive.

299. The Paris Attack was the deadliest attack on France since World War II and the deadliest in the European Union since the Madrid train bombings in 2004.

F. The Aftermath of the Paris Attacks

300. Abaaoud and Akrouh remained in Paris that night, where they made a makeshift camp in a small wooded area near a highway overpass.

301. With assistance from Belkaid and Laachraoui in Brussels, Abaaoud's female cousin Hasna ait Boulahcen ("Boulahcen") was guided via cellphone to the wooded hiding place of Abaaoud and Akrouh, where she met with them on November 15, 2015.

302. On the evening of November 17, 2015, Boulahcen picked up Abaaoud and Akrouh and took them to a safe-house in Saint-Denis. However, the French police had received a tip about Boulahcen's contact with Abaaoud and Akrouh from a confidential informant.

303. In the early hours of November 18, 2015, French RAID commandos moved against the Saint-Denis safe-house where Abaaoud, Akrouh, and Boulahcen were now located.

The resulting firefight was so intense that a ceiling caved in. Akrouh detonated his suicide belt and Akrouh, Abaaoud, and Boulahcen were all killed.

304. Meanwhile, Abdeslam was still at large.

G. The Brussels Attack

305. After dropping Hadfi and the two Iraqi suicide bombers at the national stadium to begin the attack on November 13, 2015, Abdeslam had driven away to the 18th district of Paris, where he abandoned his Renault Clio rental car, and he then made his way to the southern suburb of Montrouge, where he threw his own suicide belt into a trash can. At about 11:00 p.m. that night, he called a friend from Brussels to pick him up and take him back to Belgium.

306. After returning to Belgium, Abdeslam met up with Belkaid and the two ISIS members moved to another safe-house in Brussels.

307. On March 15, 2016, police approached the safe-house and three terrorists opened fire. As Belkaid continued to fire at police, Abdeslam and the third terrorist escaped. Belkaid was killed by a police sniper. Inside the safe-house police found a Kalashnikov assault rifle, ammunition, an ISIS flag, and detonators.

308. Three days later, on March 18, 2016, Abdeslam was located and arrested in Molenbeek, Belgium.

309. ISIS had been planning to carry out another large-scale terrorist attack in France, but with the death of Belkaid and the arrest of Abdeslam and concern that investigators may intervene, the ISIS commanders decided to accelerate the timing of an attack and to carry it out in Brussels instead.

310. ISIS leaders believed to have been involved in planning and directing the Paris and Brussels attacks include, among others, Abdelilah Himich (a/k/a “Abo Souleymane”), French converts Jean Michel and Fabian Clain, and another individual known as “Abu Ahmad.”

311. Shortly before 8:00 a.m. on Tuesday, March 22, 2016, three ISIS terrorists exited a taxi at the Zaventem Airport in Brussels, Belgium. The three were Laachraoui (the Paris Attack bomb-maker), Ibrahim el Bakraoui (“Bakraoui”), and Mohamed Abrini (“Abrini”), a childhood friend of Abdeslam.

312. The three ISIS terrorists entered the airport pushing luggage carts with large luggage bags packed with explosives, nails and screws, on their carts.

313. At approximately 7:58 a.m., Bakraoui detonated his bomb near check-in row 11 in the Departures Hall of the airport, which had counters for Delta Airlines.

314. About ten seconds later, Laachraoui detonated his bomb near check-in row 2, which had counters for Air Canada, among other airlines.

315. The third terrorist at the airport, Abrini, abandoned his bomb and fled the airport; he was later identified wearing a light-colored jacket and a hat in a surveillance video that recorded the three terrorists entering the airport pushing the luggage carts.

316. At about 9:10 a.m., during the height of the morning rush, another ISIS terrorist, Khalid el Bakraoui (“Khalid”) (Bakraoui’s brother), carried out another suicide bombing in the second car of a train at the Maelbeek subway station in downtown Brussels; the subway station is near many European Union buildings, including the European Parliament, the European Commission headquarters, and the Council of the European Union.

317. Besides the three suicide bombers, the Brussels attacks killed 33 people and injured more than 300 others, many critically.

318. Among those killed in the suicide bombings at the Brussels airport was decedent Alexander Pinczowski and his sister Sascha.

319. Abrini was subsequently arrested on April 8, 2016, and he admitted to being the terrorist seen wearing a hat in the airport surveillance video from the morning of the attack.

H. ISIS Tweets the Paris and Brussels Attacks

320. According to reports, at least four ISIS-linked social media accounts began sharing messages 72 hours before the Paris Attack that included images of weapons, the Eiffel tower, and statements saying “God bless you in your mission” and “Support the deployment.”²⁵

321. After the Paris Attack, military intelligence saw these posts as evidence that the terrorists had gone operational.²⁶

322. Just prior to and during the Paris Attack, ISIS-related Twitter accounts posted messages warning and praising the attack, using hashtags (often in Arabic) including: #paris_ignites; #parisinflames; #paris; and @franceisonfire.

323. For example, the ISIS-affiliated Twitter account @TurMedia316 posted the following message on the afternoon of the attack, which can be translated as, “O crusaders we are coming to you with bombs and rifles, wait for us #paris_ignites”:

²⁵ Catherine Herridge, “72 hours before Paris attacks, ISIS-linked social media account reveals ‘God bless you in your mission,’” *CNN* (Nov. 15, 2015), <http://www.foxnews.com/world/2015/11/15/72-hours-before-paris-attacks-isis-linked-social-media-account-reveals-god-1219447939.html>.

²⁶ *Id.*



324. The following are additional examples of an ISIS-related Twitter account messages sent during the Paris Attack:



325. On November 14, 2015, ISIS used Twitter to release a written statement in several languages (including Arabic, French, and English) titled “A Statement on the Blessed Onslaught in Paris against the Crusader Nation of France,” in which ISIS claimed responsibility for the Paris Attack:

عاجل بيان عن غزوة باريس المباركة على فرنسا الصليبية

فرنسا ٢ صفر ١٤٣٧

بسم الله الرحمن الرحيم

قال تعالى: {وَمَا أَتَاهُمْ مِنْ خِزْيَانٍ لَمْ يَجْعَلْ لَهُمْ خِزْيَانَهُمْ مِنْ آلِهِمْ فَكَفَّ فِي قُلُوبِهِمُ الرُّغْبَ يُخْرِبُونَ بُيُوتَهُمْ بِأَيْدِيهِمْ وَأَيْدِي الْمُؤْمِنِينَ فَاعْتَبِرُوا يَا أُولِي الْأَبْصَارِ}

في غزوة مباركة يشرف الله لها أسباب التوفيق، انطلقت ثلاثة مؤمنة من جند الخلافة أعزها الله ونصرها، مستهدفين عاصمة العهر والرييلة، وحاملة لواء الصليب في أوروبا (باريس)، فتية طلقوا الدنيا وأقدموا على عدوهم يبتغون القتل في سبيل الله نصرة لدينه ونبيّه صلى الله عليه وسلم وأوليائه، وإرغاماً لأنف أعدائه، فصدقوا الله نحسبهم كذلك، ففتح الله على أيديهم وألقى في قلوب الصليبيين الرعب بعقر دارهم.

حيث قام ثمانية إخوة ملتحمين أحزمة ناسفة وبنادق رشاشة باستهداف مواقع منتخبة بدقة في قلب عاصمة فرنسا، منها ملعب (دي فرانس) أثناء مباراة فريقى ألمانيا وفرنسا الصليبيتين حيث كان معتوه فرنسا (فرانسوا أولاند) حاضراً، ومركز (باتاكلون) للمؤتمرات حيث تجمع المئات من المشركين في حفلة عهر فاجرة، وأهدافاً أخرى في المنطقة العاشرة والحادية عشر والثامنة عشر وبصورة متزامنة، فتركت باريس تحت أقدامهم، وضائق عليهم شوارعها، وكانت محضلة الهجمات هلاك ما لا يقل عن مائتي صليبي وإصابة أكثر من ذلك والله الحمد والمئة والفضل.

وقد من الله على إخواننا ورزقهم ما يحبون ففجروا أحزمتهم في جموع الكفار بعد نفاذ ذخيرتهم، نسأل الله أن يتقبلهم في الشهداء ويلحقنا بهم.

ولتعلم فرنسا ومن يسير على دربها أنهم سيبقون على رأس قائمة أهداف الدولة الإسلامية، وأن رائحة الموت لن تفارق أنوفهم ما داموا قد تصدروا ركب الحملة الصليبية، وتجروا على سب نبينا صلى الله عليه وسلم، وتفاخروا بحرب الإسلام في فرنسا، وضرب المسلمين في أرض الخلافة بطائراتهم التي لم تغن عنهم شيئاً في شوارع باريس وأزقتها التتنة، وإن هذه الغزوة أول الغيث وإنذار لمن أراد أن يعتبر.

والله أكبر

{وَلِلَّهِ الْعِزَّةُ وَلِرَسُولِهِ وَلِلْمُؤْمِنِينَ وَلَكِنَّ الْمُنَافِقِينَ لَا يَعْلَمُونَ}

BREAKING NEWS A Statement on the Blessed Onslaught in Paris against the Crusader Nation of France

FRANCE 2 Safar 1437

In the Name of Allah, the Most Merciful, the Most Beneficent

Allah (ta'ala) said, (They thought that their fortresses would protect them from Allah; but Allah came upon them from where they had not expected, and He cast terror into their hearts so they destroyed their houses by their own hands and the hands of the believers. So take warning, O people of vision) [Al-Hashr: 2].

In a blessed battle whose causes of success were enabled by Allah, a group of believers from the soldiers of the Caliphate (may Allah strengthen and support it) set out targeting the capital of prostitution and vice, the lead carrier of the cross in Europe – Paris. This group of believers were youth who divorced the worldly life and advanced towards their enemy hoping to be killed for Allah's sake, doing so in support of His religion, His Prophet (blessings and peace be upon him), and His allies. They did so in spite of His enemies. Thus, they were truthful with Allah – we consider them so – and Allah granted victory upon their hands and cast terror into the hearts of the crusaders in their very own homeland.

And so eight brothers equipped with explosive belts and assault rifles attacked precisely chosen targets in the center of the capital of France. These targets included the Stade de France stadium during a soccer match – between the teams of Germany and France, both of which are crusader nations – attended by the imbecile of France (Francois Hollande). The targets included the Bataclan theatre for exhibitions, where hundreds of pagans gathered for a concert of prostitution and vice. There were also simultaneous attacks on other targets in the tenth, eleventh, and eighteenth districts, and elsewhere. Paris was thereby shaken beneath the crusaders' feet, who were constricted by its streets. The result of the attacks was the deaths of no less than two hundred crusaders and the wounding of even more. All praise, grace, and favor belong to Allah.

Allah blessed our brothers and granted them what they desired. They detonated their explosive belts in the masses of the disbelievers after finishing all their ammunition. We ask Allah to accept them amongst the martyrs and to allow us to follow them.

Let France and all nations following its path know that they will continue to be at the top of the target list for the Islamic State and that the scent of death will not leave their nostrils as long as they partake in the crusader campaign, as long as they dare to curse our Prophet (blessings and peace be upon him), and as long as they boast about their war against Islam in France and their strikes against Muslims in the lands of the Caliphate with their jets, which were of no avail to them in the filthy streets and alleys of Paris. Indeed, this is just the beginning. It is also a warning for any who wish to take heed.

Allah is the greatest.

{And to Allah belongs all honor, and to His Messenger, and to the believers, but the hypocrites do not know} [Al-Munafiqun: 8].

326. On November 14, 2015, ISIS used Twitter to release an audio message again claiming responsibility for the Paris Attack. The voice of the ISIS representative who spoke in the audio message was identified as ISIS member Fabian Clain.

327. On November 17, 2015, ISIS used Twitter to release a video message in French titled “Fight Them: With Your Hands Allah Will Punish Them.” The video featured four French-speaking ISIS members praising and justifying the Paris Attack, and threatening additional attacks.

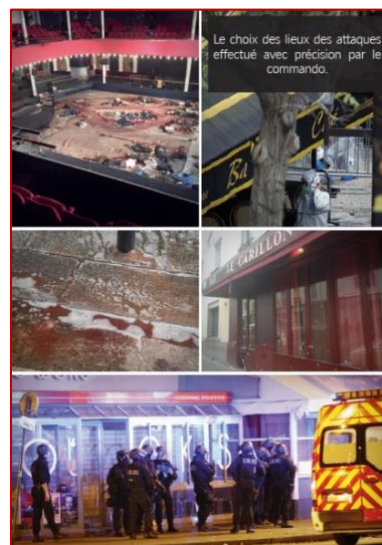
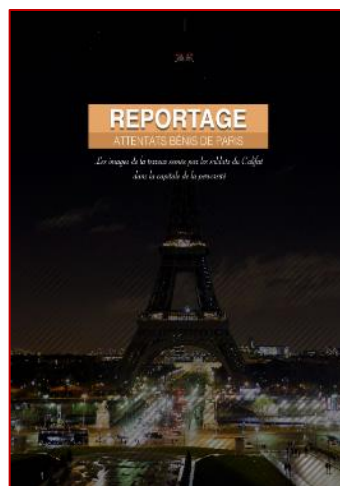
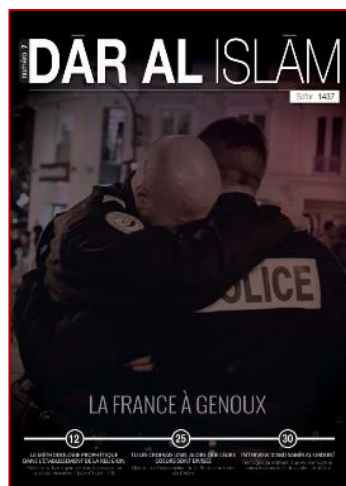
328. On November 18, 2015, ISIS used Twitter to release another video message titled “What’s Coming Will Be Even Worse.” The video featured three French-speaking ISIS members praising the Paris Attack and threatening additional attacks.

329. On November 18, 2015, ISIS used Twitter to release another video message titled “And our soldiers will prevail.” The video included a *jihadi* song in French titled “Go Forth, Go Forth,” which called for attacks against ISIS’s enemies. The video praised the Paris Attack and threatened additional attacks.

330. On November 18, 2015, ISIS used Twitter to release the twelfth issue of its online English-language magazine *Dabiq*, which featured the Paris Attack on its cover:



331. On November 30, 2015, ISIS used Twitter to release the seventh issue of its online French-language magazine *Dar al-Islam* titled “France at its knees,” which praised the Paris Attack, and included a graphic multi-page photo montage of the attack:



332. On January 24, 2016, ISIS's official *al-Hayat* Media Center used Twitter to release a video titled, "Kill Them Wherever You Find Them," featuring the Paris attackers (the "Paris Attackers Video"):



333. The Paris Attackers Video was in French and Arabic, and was distributed via Twitter in versions with Arabic and English subtitles. The video featured video messages from the nine ISIS terrorists (now dead) who carried out the November 13, 2015 Paris Attack, and they recorded the messages in anticipation of the attack, to be released by ISIS after their deaths.

334. The Paris Attackers Video opens with an encrypted message, and then the following written message appears on the screen:

"The following are the final messages of the nine lions of the Caliphate who were sent forth from their dens to bring an entire country – France – to her knees. They raised the word of *tawhid* [monotheism] and lived the verses of the Koran by killing the infidels wherever they found them. And they continued to do so until their thirst for success was quenched with nothing other than their own blood."

335. The Paris Attackers Video next shows news footage from the Paris Attack, and includes a song with the following lyrics in French:

"Charronees, Bichat, Voltaire [names of Paris streets where attacks occurred] / my Kalashnikov is loaded / the civilians are unarmed / I am annihilating Frenchmen / It is [French Prime Minister] Valls who should be thanked . . . It is

only for the sake of Allah that have we made this choice / killing with hearts full of joy / we will kill you without mercy . . .”

336. The first attacker to appear in the Paris Attackers Video is Abaaoud (a/k/a Abu Umar al-Baljiki), who speaks in French in front of an ISIS flag, a handgun, and an assault rifle:



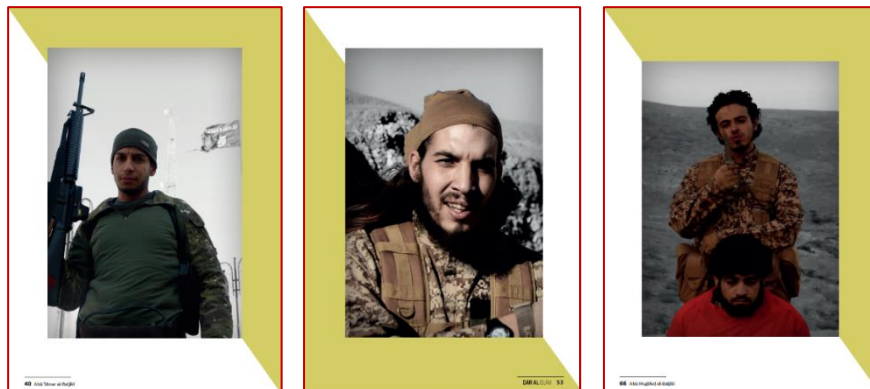
337. After Abaaoud, the Paris Attackers Video shows seven of the attackers in succession, dressed in identical battle fatigues, each delivering a message and then executing a captive. Five of these seven terrorists, Amimour (a/k/a Abu Qital al-Faransi), Agged (a/k/a Abu Fu'ad al-Faransi), Hadfi (a/k/a Abu Mujaed al-Baljiki), Akrouh (a/k/a Dhul-Qarayn al-Baljiki), and Mostefai (a/k/a Abu Rayyan al-Faransi), are shown executing captives by beheading them with a knife. The other two attackers, Iraqi ISIS members identified as Ukash al-Iraqi and Ali al-Iraqi, make a joint statement in Arabic, and are shown executing captives by shooting them in the back of the head.

338. Lastly, the ninth attacker in the Paris Attackers Video is Abaaoud's brother, Brahim, who is shown in a different setting performing target practice, but he does not give a statement or execute a prisoner in the video.

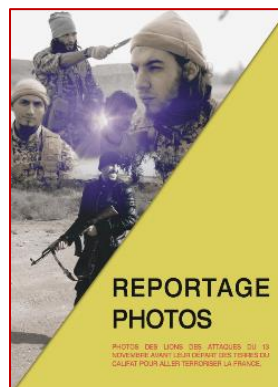
339. On February 6, 2016, ISIS used Twitter to release the eighth issue of its online French-language magazine *Dar al-Islam*, with Abaaoud's picture on the cover:



340. ISIS's *Dar al-Islam* Issue 8 was predominately dedicated to the Paris Attack. This issue included an editorial on the attack, as well as testaments of three of the Paris attackers: Abaaoud (a/k/a Abu Umar al-Baljiki); Mostefai (a/k/a Abu Rayyan al-Faransi); and Hadfi (a/k/a Abu Mujahid al-Baljiki):



341. The issue also included a graphic multi-page photo montage of the attackers preparing for the attack:



342. On March 22, 2016, the morning of the Brussels attacks, ISIS followers used Twitter to broadcast messages praising the attacks using the hashtag “#Brussels” the Arabic hashtag “#BattleOf_Brussels,” and others.

343. ISIS also used Twitter to claim responsibility for the Brussels attacks, including by disseminating the following notice in Arabic, French, and English:



344. ISIS also used Twitter to release several videos praising the Brussels attacks.

345. For example, ISIS used Twitter to distribute a video titled, “The Exile of Islam and Brussels Attacks”:



346. The “Exile of Islam” video is more than nine minutes long; it shows scenes from the bombings at the Brussels airport and Maelbeek metro station, and a narrator states: “The Crusader jets—including the Belgians—are still bombing the Muslims in Iraq and Levant in the day and the night, killing children, women, old and destroying mosques and schools.”

347. The “Exile of Islam” video also uses an image of Donald Trump and a statement he made in response to the attacks, as well as a jihadi song with the lyrics: “Brothers rise up! Claim your victory! Haha! Let’s go for Jihad!”:



348. ISIS also used Twitter to distribute a video praising the Brussels attacks titled, “And What is to Come Will Be More Devastating and Bitter,” which included a statement by ISIS leader Abou ‘Umar Al-Muhajir stating that ISIS has soldiers everywhere, and as long as the infidels continue to bomb ISIS, they will continue to come and kill more infidels:



349. ISIS also used Twitter to distribute video praising the Brussels attacks titled, “An Appropriate Recompense,” that tied the Brussels attacks to the November 2015 Paris attacks, and featured two Belgian ISIS fighters warning of more attacks:



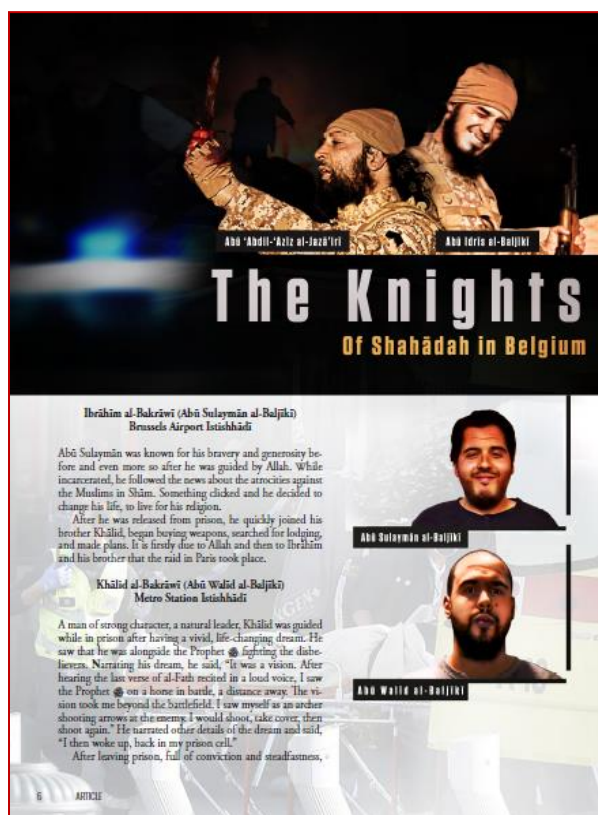
350. ISIS also used Twitter to distribute another video praising the Brussels attacks titled, “And Cast Terror Into Their Hearts,” featuring Belgian ISIS leader Hicham Chaib (“Chaib”), also known as Abu Hanifa Al-Baljiki, calling the attacks a natural reaction to Belgium’s attacks on Muslims and Islam, and warning that ISIS will continue targeting its enemies on their own soil if the war against it continues:



351. On April 13, 2016, ISIS used Twitter to release the fourteenth issue of its online English-language magazine *Dabiq*:



352. ISIS's *Dabiq* Issue 14 praised the Brussels Attack and presented profiles of the three ISIS suicide terrorists who carried it out: Laachraoui (a/k/a Abu Idriss al-Baljiki); Bakraoui (a/k/a Abu Sulayman al-Baljiki); and Khalid (a/k/a Abu Walid al-Baljiki). The issue credited Laachraoui for preparing the explosives for both the Paris Attack and the Brussels Attack. The issue also presented a profile of Belkaid (a/k/a Abu Abdil-Aziz al-Jaza'iri), noted that he had been killed in a shootout that enabled his comrades to escape, and credited him with assisting in preparing the Brussels attack:



VI. NOHEMI GONZALEZ

353. In the fall of 2015, Nohemi Gonzalez (“Nohemi”) was a 26-year-old industrial design student at California State University Long Beach spending a semester abroad at the Strate School of Design in Paris, France.



354. Described by her friends and family as “bubbly,” “happy,” and “hard-working,” Nohemi was a first-generation Mexican-American born in California.

355. This was Nohemi’s first time living in Europe, and her friends said that she could hardly believe her good fortune to be in Paris to see sights like the Eiffel Tower and the Cathedral of Notre Dame, and to fulfil her dream of studying in the famous city.

356. On Friday evening, November 13, 2015, Nohemi and a group of friends were out for a night on the town and ended up at La Belle Équipe, a lively Paris bistro on Rue de Charonne.

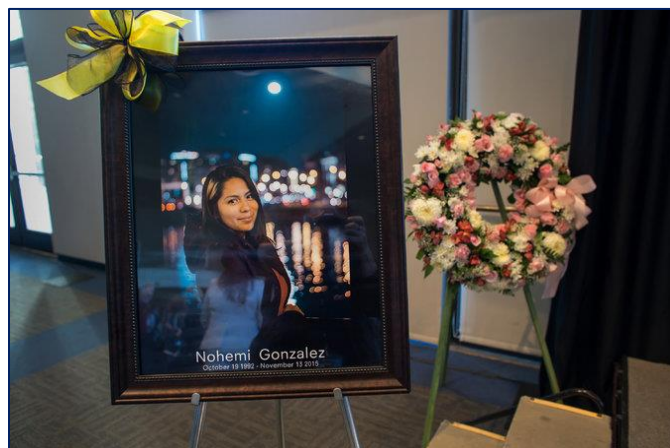
357. Tragically, at about 9:36 p.m., as Nohemi and her friends were only a few minutes into their meal, three ISIS terrorists, Abaaoud, Brahim, and Akrouh, arrived in a black Seat Leon car, approached the La Belle Equipe café, and began spraying bullets at the people at the café.

358. Nohemi was among 19 people murdered by the ISIS terrorists at the LaBelle Equipe café, and is believed to have been the only American killed in the Paris Attack.

359. The F.B.I. told Nohemi's family that it would be weeks before her body would be sent back to the United States because of the investigation.

360. Nohemi was a college senior, and would have been the first member of her family to graduate college.

361. The plaintiffs, Nohemi's mother, step-father, and brothers were devastated by the loss of their only daughter and sister. They suffered, and will continue to suffer, severe psychological and emotional harm, as well as loss of solatium as a result of the terrorist attack that killed Nohemi Gonzalez.



VII. ALEXANDER PINCZOWSKI

362. Alexander Pinczowski ("Alex") and his wife, plaintiff Anne Cameron Cain ("Cameron"), met in the summer of 2010 when they were both taking summer classes in Durham, North Carolina. The two fell in love with each other and were married in 2013.



363. In the spring of 2016, Alex and Cameron were living in New York. Alex and Cameron developed a business plan to open a craft-related business, and Alex travelled to Europe to work on their plan.

364. Alex's sister, Sascha Pinczowski ("Sasha"), who had graduated in 2015 with a business degree from Marymount Manhattan College in New York, was living in Europe and planned to move back to New York.



365. On March 22, 2016, Alex was scheduled to fly back home to New York, and his sister Sascha decided to fly with him.

366. Alex and Sascha arrived at the Brussels airport in the early morning of March 22, 2016 and went to check in for their flight.

367. While Alex and Sascha were in the check-in area, one of the ISIS terrorists detonated his bomb, and Alex and Sascha were both killed.

368. At the time of the explosion, Alex was speaking with his father on his cell phone. Alex's father later said that while he was talking with his son, the phone sounded like it went underwater and then when dead.

369. After the explosion, the family did not hear from Alex and Sascha, and the brother and sister could not be found.

370. Family and friends in Europe searched for Alex and Sascha, checking all the nearby hospitals to no avail; Alex and Sascha's family was devastated by news of the terrorist explosions at the airport and not knowing the fate of their loved ones.

371. Alex's wife Cameron also knew that Alex and Sascha were at the airport at the time of the explosion, and she also was uncertain of their fate; she was panic-stricken, not being able to reach Alex or determine what had happened to him and his sister for days.

372. Cameron and her parents traveled from New York to Brussels on Wednesday, March 23, 2016 to join the search for Alex and Sascha. They frantically searched the hospitals of Brussels, spread photos around the city, and sent out pleas for assistance, while Cameron continued contacting people and posting notices to gain any information she could.

373. On Thursday night, March 24, 2016, authorities in Brussels released a list of survivors from the Brussels Attack, and Alex and Sascha's names were not on the list.

374. Finally, on Friday, March 25, 2016, authorities confirmed that Alex and Sascha's bodies had been identified and that they were killed in the attack.

375. At the time of the terror attack, Alex was aged 29 and Sascha was aged 26.

376. Alex had become very connected to Cameron's family, joining the family on vacations and family holidays. Cameron's father described Alex as a brilliant young man."

377. Cameron and Alex as a couple were described as "so much in love," "inseparable," and as having "a passion for life." Alex was a "family man" who "would do anything" for Cameron.

378. Cameron was devastated by the loss of her husband Alex and his sister Sascha. She suffered, and will continue to suffer, severe psychological and emotional harm, as well as loss of solatium as a result of the terrorist attack that killed Alex and his sister.



VIII. TWITTER'S CONDUCT

A. Twitter Knowingly Provided Material Support and Resources to ISIS

379. ISIS's reputation as an organization that has engaged in and continues to engage in terrorist acts is widespread and has been reported in the world news media.

380. ISIS's designation as a Foreign Terrorist Organization is public knowledge that has likewise been widely reported in the world news media.

381. At all times relevant to this Complaint, Twitter has known that ISIS is an organization that has engaged in and continues to engage in terrorist activity.

382. At all times relevant to this Complaint, Twitter has known that ISIS is designated as a Foreign Terrorist Organization.

383. Despite this knowledge, Twitter has for years knowingly provided its Services to ISIS, its members, organizations owned or controlled by ISIS, and organizations and individuals that provide financing and material support to ISIS, including individuals and organizations that are designated as and SDGTs.

384. ISIS, its members, and its related entities and affiliates have operated numerous Twitter accounts, often using their own names and displaying emblems and symbols associated with ISIS and its related terrorist entities.

385. The identifiers for ISIS-associated Twitter accounts are often publicized on ISIS websites, social media sites, and via Twitter.

386. ISIS's news and media organizations operate Twitter accounts, often including separate accounts for Arabic and English.

387. In January 2011, Twitter co-founder Biz Stone and Twitter General Counsel Alex Macgillivray wrote a blog post titled "The Tweets Must Flow," in which they stated: "We don't always agree with the things people choose to tweet, but we keep the information flowing irrespective of any view we may have about the content"; they also described their approach to law enforcement investigations: "While we may need to release information as required by law, we try to notify Twitter users before handing over their information whenever we can so they have a fair chance to fight the request if they so choose."²⁷

²⁷ Biz Stone and Alex Macgillivray, "The Tweets Must Flow," *Twitter* (Jan. 28, 2011), <https://blog.twitter.com/2011/the-tweets-must-flow>.

388. In December 2011, Israeli NGO Shurat HaDin-Israel Law Center wrote a letter to Twitter warning that Twitter's provision of services to designated Foreign Terrorist Organizations violates the ATA prohibition against providing material support to terrorists.

389. In January 2012, Twitter posted a new blog post titled "Tweets Still Must Flow," in which it announced that, as Twitter expands internationally, it would need to withhold some content to comply with local national laws, for example in France and Germany where pro-Nazi content is banned; nevertheless, Twitter stated that it would only "reactively withhold content from users in a specific country—while keeping it available in the rest of the world."²⁸

390. Twitter stressed, however, that it would not filter out any tweets before they appear, stating: "[W]e are going to be reactive only: that is, we will withhold specific content only when required to do so in response to what we believe to be a valid and applicable legal request."²⁹

391. In a hearing of the House Committee on Foreign Affairs' Subcommittee on Terrorism, Nonproliferation, and Trade on August 2, 2012, Chairman Ted Poe complained: "[W]hen it comes to a terrorist using Twitter, Twitter has not shut down or suspended a single account . . . Section 219 of the Immigration and Nationality Act states that is unlawful to provide a designated FTO with 'material, support, or resources, including any property, tangible or intangible, or services.' Among those, communications equipment and facilities. Terrorists are using Twitter. Twitter is a communication service. It seems like it is a violation of the law."

392. In December 2012, several members of Congress wrote to FBI Director Robert Mueller asking the Bureau to demand that Twitter block the accounts of various terrorist groups.

²⁸ "Tweets Still Must Flow," *Twitter* (Jan. 26, 2012), <https://blog.twitter.com/2012/tweets-still-must-flow>.

²⁹ *Id.*

393. On June 20, 2014, in a CNN report regarding ISIS's use of Twitter as a tool to gain support, raise funds, and recruit members, Twitter co-founder Biz Stone responded: "If you want to create a platform that allows for freedom of expression for hundreds of millions of people around the world, you really have to take the good with the bad."³⁰

394. On August 20, 2014, following harsh criticism for permitting ISIS to use Twitter to distribute gruesome video and images of the beheading of James Foley, Twitter's then-CEO Dick Costolo tweeted: "We have been and are actively suspending accounts as we discover them related to this graphic imagery"; however, after ISIS next used Twitter to broadcast video and images of Steven Sotloff's beheading on September 2, 2014, Twitter spokesperson Nu Wexler told U.S. News & World Report: "Twitter users around the world send approximately 500 million tweets each day, and we do not monitor them proactively."³¹

395. Director of the SITE Intelligence Group, Rita Katz, who studies online *jihadi* activity, stated in September 2014: "For several years, ISIS followers have been hijacking Twitter to freely promote their jihad with very little to no interference at all . . . Twitter's lack of action has resulted in a strong, and massive pro-ISIS presence on their social media platform, consisting of campaigns to mobilize, recruit and terrorize."³²

³⁰ CNN Transcripts, "Erin Burnett Outfront: ISIS Urges English Speakers to Join Cause," CNN (June 20, 2014), <http://transcripts.cnn.com/TRANSCRIPTS/1406/20/ebo.01.html>.

³¹ Tom Risen, "Twitter, Facebook, YouTube Grapple With Islamic State Censorship," U.S. News & World Report (Sept. 5, 2014), <http://www.usnews.com/news/articles/2014/09/05/twitter-facebook-youtube-navigate-islamic-state-censorship>.

³² Alex Altman, "Why Terrorists Love Twitter," Time (Sept. 11, 2014), <http://time.com/3319278/isis-isil-twitter/>.

396. In November 2014, Mother Jones magazine reported on Twitter's own ideological reasons for refusing to cease providing its Services to ISIS despite its terrorist designation. Based upon interviews and official statements released by Twitter, Mother Jones' reported:

"Waging a (virtual) war against ISIS is not on Twitter's agenda. According to one Twitter company official . . . the tech firm is not interested in defining terrorism or silencing political speech. 'One man's terrorist is another man's freedom fighter,' this Twitter official says, pointing out that Twitter has long been a home for political dissidents and unpopular and extreme views. ISIS, however radical and violent, isn't an exception. Twitter, this official insists, takes terrorism and violence seriously, but does not compromise on its terms.

...

Overall, Twitter's approach is hands-off. . . . Twitter has not come up with a comprehensive system for addressing terrorist messages and threats, partly because lists of terrorist groups can vary from one government to the next. (Just because a country declares an outfit a terrorist band, should Twitter ban it and its supporters? Maybe, maybe not. An authoritarian regime might designate an opposition group seeking democratic rule a terrorist threat.)

...

So despite the earlier media reports, Twitter is not mounting a crusade against ISIS. Members and supporters of the Islamic State are free to hit Twitter to preach, recruit, and spread the ideas underlying the group's terror. As long as it doesn't make direct threats, impersonate people, or pirate music [i.e., violate Twitter's own rules], ISIS can exploit Twitter . . ."³³

397. In February 2015, an official Twitter spokesman confirmed to Yahoo News that it does not proactively monitor content, and that it only reviews posts that other Twitter users report as violating Twitter's rules.³⁴

³³ Jenna McLaughlin, "Twitter Is Not At War With ISIS. Here's Why." *Mother Jones* (Nov. 18, 2014), <http://www.motherjones.com/politics/2014/11/twitter-isis-war-ban-speech>.

³⁴ Alexandra Klausner, "Twitter under pressure from lawmakers to crack down on 46,000 ISIS sympathizer accounts," *Daily Mail* (Feb. 18, 2015), <http://www.dailymail.co.uk/news/article-2959198/Twitter-pressure-Congress-against-terrorists-report-identifies-46-000-ISIS-sympathizer-accounts.html>.

398. On February 24, 2015, Rep. Tim Poe gave a speech on the Floor of the U.S. House of Representatives, which included the following statements:

“Federal law prohibits giving aid or helping a designated foreign terrorist organization. These FTOs use Twitter, an American company, as a tool and no one is stopping them. . . . Why are American companies and the U.S. government allowing social media platforms to be hijacked by terrorists? . . . It’s time for Twitter to take down terrorist accounts. . . . Terrorists should not have access to an American controlled social media platform so they can kill, rape, pillage and burn. . . . [A]llowing the terrorists to continue using Twitter has helped radicalize hundreds of foreign fighters and raised millions of dollars for them. . . . Private companies not only have a public responsibility but a legal obligation to be proactive. Section 219 of the Immigration and Nationality Act states that it is unlawful to provide a designated Foreign Terrorist Organization—like ISIS—with ‘material support or resources,’ including ‘any property, tangible or intangible, or services.’ That is about as comprehensive as you can get. You don’t need to be a law school professor to understand this law actually applies to Twitter.”³⁵

399. On October 28, 2015, just over two weeks before the Paris Attack, the U.S. House Committee on Oversight and Government Reform’s Subcommittee on National Security held a hearing on “Radicalism: Social Media and the Rise of Terrorism.” The Hon. Mark D. Wallace (“Amb. Wallace”), CEO of the Counter Extremism Project and former U.S. Ambassador to the United Nations, testified at that hearing on ISIS’s use of social media technology. Amb. Wallace’s written statement in the record of that hearing included the following testimony:

“ISIS’s presence on social media is a cancer. It continues to metastasize, largely unaddressed by government, the private sector, or social media companies. One of the most pressing public safety and national security issues we face today is without a doubt the hijacking and weaponization of social media platforms by extremist groups to radicalize, recruit new members, and plan violent attacks against innocent people around the world.

. . .

³⁵ Rep. Ted Poe, “Floor Remarks: Twitter and Foreign Terrorist Organizations,” (Feb. 24, 2015), <http://poe.house.gov/2015/2/twitter-and-foreign-terrorist-organizations>.

Since its creation, ISIS in particular has deployed an incredibly sophisticated social media campaign to radicalize and recruit new members and to call for acts of terror around the world. There are at least 43,000 active pro-ISIS Twitter accounts, sending approximately 200,000 tweets a day, amplifying and endlessly repeating ISIS's messages of hate and terror.

...

Unfortunately, the response we've gotten from Twitter is dismissive to the point of dereliction. . . . Twitter's dismissiveness on the issue of violent extremists who have hijacked and weaponized its platform can best be summarized in a quote provided to *Mother Jones* magazine by a Twitter official: 'One man's terrorist is another man's freedom fighter.' Of course this statement is insipid and unserious, particularly in the context of al Qaeda and ISIS and many other extremist groups."

400. Amb. Wallace also described Twitter as a "gateway drug" by which vulnerable individuals are first exposed to ISIS's propaganda and radical content, and the individuals are then led to more in-depth questions and conversations to radicalize and recruit these individuals for *jihad* and joining ISIS.

401. Through Twitter's services, Twitter makes potential ISIS recruits, ISIS members, and ISIS leaders, available to other ISIS operatives, thus providing personnel to ISIS itself.

402. Prior to the Paris and Brussels attacks, Twitter refused to actively monitor its online social media network to block ISIS's use of Twitter. Instead, Twitter knowingly permitted, and still permits, ISIS and ISIS's members and affiliates to use its online social media platform, and generally only reviews ISIS's use of Twitter in response to third party complaints.

403. Even when Twitter has received complaints about ISIS's use of the platform, despite knowing that ISIS is a designated FTO and that ISIS has engaged in terrorist activity, Twitter has at various times determined that ISIS's use of Twitter did not violate Twitter's policies and permitted the accounts to remain active, or removed only a portion of the content posted on an ISIS-related Twitter account and permitted the account to remain active.

404. While Twitter has suspended or blocked selected ISIS-related Twitter accounts at various times, prior to the Brussels Attack Twitter did not make substantial or sustained efforts to ensure that ISIS would not re-establish the account using a new identifier.

405. For example, the Twitter account of ISIS's Asawitiri Media group has had at least 335 accounts. As mentioned above, one iteration of this ISIS Twitter user (@TurMedia316) tweeted about the Paris Attack on the afternoon that it began. When @TurMedia333 was subsequently suspended, the group opened @TurMedia334. When the latter account was suspended, the group opened @TurMedia335. Moreover, each of these accounts used the same user photograph.

406. Shortly after the San Bernardino terrorist attack in December 2015, ISIS used Twitter account @TurMedia335 to tweet: "California, we have already arrived with our soldiers. Decide how to be your end, with knife or bomb."

407. Twitter has even removed suspensions of ISIS-affiliated Twitter accounts, thus permitting the account to become active again.

408. Immediately after the Paris Attack, the activist computer-hacking group "Anonymous" organized a campaign to identify ISIS-affiliated Twitter accounts and to report those accounts to Twitter to have them blocked. Anonymous claimed that it had successfully reported many thousands of ISIS Twitter accounts.

409. On February 5, 2016, Twitter wrote a blog post that seemed to imply that it had taken steps itself to identify and suspend ISIS Twitter accounts.

410. However, Anonymous countered that Twitter had only responded to third-party reports such as those from Anonymous, and that Twitter had not shut down many of the "core" ISIS accounts that had been reported to the company.

411. Despite the efforts of Anonymous and others who report ISIS accounts to Twitter, because Twitter allows many of the “core” ISIS accounts to remain, ISIS is able to maintain a Twitter presence consisting of thousands of active accounts, as well as quickly reestablish accounts with large numbers of Twitter followers.

412. In March 2016, prior to the Brussels Attack, Twitter was found to be shutting down the Twitter accounts of the Anonymous members who had reported ISIS Twitter accounts, “for harassing ISIS members” who use Twitter.³⁶

B. Twitter’s Social Media Platform and Communications Services are Unique

413. Twitter’s online social media platform and communication services are provided to Twitter users via Twitter’s unique computer architecture.

414. Whenever a Twitter user shares information on Twitter, Twitter’s computer servers receive the information and distribute it to the Twitter user’s network of Twitter “followers.” The tweet also appears on the Twitter user’s Twitter account page, and is available via Twitter’s platform, hashtags, and search engines on the internet, depending upon the user’s privacy settings.

415. Information that is input by a Twitter user into Twitter is also stored on Twitter’s computer equipment as well as on Twitter’s backup storage equipment.

416. Twitter users’ Twitter accounts are hosted on Twitter’s computer equipment.

417. Twitter enables users to connect and communicate with followers or with others via posts that can be in the form of a short message, a photo with a caption, sharing a web link or a news article from another website, or linking to other social media platforms.

³⁶ Zoie O’Brien, “Twitter shuts down Anonymous accounts ‘for harassing’ ISIS jihadis,” *Express* (Mar. 6, 2016), <http://www.express.co.uk/news/uk/650254/Twitter-ANONYMOUS-ISIS-jihadis>.

418. Twitter users also “like” and “retweet” others’ posts, thereby exposing these posts to new networks.

419. Twitter’s “hashtag” feature enhances Twitter’s services to ISIS by enabling ISIS to provide key words by which its members and followers can easily locate ISIS Twitter accounts and spread ISIS’s contacts and communications exponentially.

420. Twitter uses computer algorithms to match accounts with similarities, so that similar Twitter accounts are suggested to a user or reader when viewing a Twitter account. In this way, users are able to locate other Twitter accounts related to ISIS even if they do not know the correct identifier or if the original Twitter account has been replaced by a new identifier.

421. Effectively, Twitter serves as a broker or match-maker between like-minded people, introducing users to other users that they will be interested in based on the information in their “tweets.” These types of suggestions appear on the side margin of the reader’s Twitter page.

422. By providing Twitter’s online social network platform and communication services to ISIS, Twitter is providing to ISIS use of Twitter’s unique computer architecture, computer servers, storage and communication equipment, a highly-developed and sophisticated algorithms, and services that facilitate ISIS’s ability to reach and engage an audience it could not otherwise reach as effectively.

423. As discussed above, Twitter’s usefulness to ISIS is not merely about content; ISIS uses Twitter is a tool to connect with others and promote its terrorist activity.

424. Twitter recognized this kind of value to its users in its 2016 Annual Report filed with the U.S. Securities and Exchange Commission, when it stated that it is “working toward giving our creators and influencers better tools to connect with their fans and audience through Twitter.”

C. Twitter Can Deny Services to ISIS, But Has Refused to Do So

425. The same algorithms that allow Twitter to connect users of similar interests could be used by Twitter to identify, flag, review, and remove ISIS Twitter accounts.

426. Twitter has other tools as well by which it can identify, flag, review, and remove ISIS Twitter accounts.

427. In December 2015, SITE Intelligence Group Director Rita Katz stated: “The bottom line is that Twitter is not doing enough . . . With the technology Twitter has, they can immediately stop these accounts, but they have done nothing to stop the dissemination and recruitment of lone wolf terrorists.”³⁷

428. Most technology experts agree that Twitter is not using available means to cease providing its Services to ISIS.

429. For example, Prof. Hany Farid, chairman of the computer science department at Dartmouth College, co-developed with Microsoft a system for tracking and blocking child pornography on the internet, and he asserts that the same technology could be used to block terrorists. In December 2015, Prof. Faris stated: “When Twitter says, ‘We can’t do this,’ I don’t believe that. . . . There’s no fundamental technology or engineering limitation . . . This is a business or policy decision. Unless the companies have decided that they just can’t be bothered.”³⁸

430. Indeed, Twitter made policy decisions and taken proactive actions that would actually protect ISIS and other terrorists in their use of Twitter’s Services.

³⁷ Nicole Perlroth and Mike Isaac, “Terrorists Mock Bids to End Use of Social Media,” *The New York Times* (Dec. 7, 2015), <http://www.nytimes.com/2015/12/08/technology/terrorists-mock-bids-to-end-use-of-social-media.html>.

³⁸ *Id.*

431. For example, Twitter has had a policy and practice of notifying users in the event it suspects or determines that the user's Twitter account is under government surveillance or if Twitter has received an investigative inquiry about a user's Twitter account.

432. In fact, in an attempt to maintain its policy and practice of alerting criminal suspects, Twitter has sued the U.S. Department of Justice, challenging government orders that prohibit Twitter from disclosing details of investigative requests due to national security concerns.

433. Although Twitter's lawsuit against the government was ordered dismissed in May 2016 for failure to state a claim, Twitter revived the suit by filing Second Amended Complaint in the case which is currently pending.

434. Moreover, in May 2016 Twitter barred U.S. intelligence agencies from purchasing and using the Twitter analytics service "Dataminr" (of which Twitter owns about a 5% stake) to identify unfolding terrorist attacks and political unrest. Dataminr executives told U.S. intelligence agencies that Twitter did not want the company to continue providing the service to them³⁹

435. Dataminr is the only company Twitter authorizes both to access its entire real-time stream of public tweets and sell it to clients.

436. The Dataminr product goes beyond what a typical Twitter user could find in the jumble of daily tweets, employing sophisticated algorithms and geolocation tools to unearth relevant patterns.

³⁹ Christopher S. Stewart and Mark Maremont, "Twitter Bars Intelligence Agencies From Using Analytics Service," *The Wall Street Journal* (May 8, 2016), <http://www.wsj.com/articles/twitter-bars-intelligence-agencies-from-using-analytics-service-1462751682>.

437. Significantly, Dataminr gave the U.S. intelligence community an alert about the Paris Attack shortly after the attack began, and notified clients about the Brussels Attack 10 minutes ahead of news media as well.

438. In response to Twitter's ban of Dataminr sales to U.S. agencies, Michael Smith II, security consulting firm Kronos Advisory's chief operating officer, stated: "Twitter's decision could have grave consequences."

439. In August 2016, after a 12-month inquiry on countering extremism that included testimony from Twitter and other social media company executives, the U.K. House of Commons' Home Affairs Committee issued a report titled "Radicalisation: the counter-narrative and identifying the tipping point." ("U.K. Report").⁴⁰

440. In the U.K. Report, the Home Affairs Committee found that:

"The use of the internet to promote radicalisation and terrorism is one of the greatest threats that countries . . . face.

. . .

Social media companies are consciously failing to combat the use of their sites to promote terrorism and killings. Networks like Facebook, Twitter and YouTube are the vehicle of choice in spreading propaganda and they have become the recruiting platforms for terrorism. They must accept that the hundreds of millions in revenues generated from billions of people using their products needs to be accompanied by a greater sense of responsibility and ownership for the impact that extremist material on their sites is having. There must be a zero tolerance approach to online extremism, including enticement to join extremist groups or commit attacks of terror and any glorification of such activities. . . . It is therefore alarming . . . that Twitter does not even proactively report extremist content to law enforcement agencies. These companies are hiding behind their supranational

⁴⁰ Home Affairs Committee, "Radicalisation: the counter-narrative and identifying the tipping point," House of Commons (Aug. 25, 2016), <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/135/135.pdf>.

legal status to pass the parcel of responsibility and refusing to act responsibly in case they damage their brands.”⁴¹

441. In fact, Twitter actually benefits from ISIS’s use of its Services and has an incentive to refrain from shutting down ISIS accounts, particularly due to the tremendous volume of ISIS Twitter accounts and the volume of tweets ISIS generates.

442. Research has shown that ISIS Twitter users are overall much more active than the average Twitter users both in terms of the number of tweets and in the number of Twitter users who link to the subject accounts as “followers.”⁴²

443. The primary measurements used by Twitter to demonstrate its usefulness and generate revenue from advertisers and partners are: the total number of active Twitter users; the number of daily tweets; and the growth rate of the number of users and tweets.

444. Thus, in its 2016 Annual Report filed with the U.S. Securities and Exchange Commission, Twitter’s statement regarding the risks related to its business included the following:

“The size of our user base and our users’ level of engagement are critical to our success. . . . Our financial performance has been and will continue to be significantly determined by our success in growing the number of users and increasing their overall level of engagement on our platform.

. . .

If we are unable to increase our user base, user growth rate, or user engagement, or if these metrics decline, our products and services could be less attractive to potential new users, as well as to advertisers and platform partners, which would have a material and adverse impact on our business, financial condition and operating results.”

⁴¹ *Id.* at 11, 13-14 (original in bold).

⁴² Berger, “The Twitter Census,” *supra* note 16.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

**LIABILITY FOR AIDING AND ABETTING
ACTS OF INTERNATIONAL TERRORISM
PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

445. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

446. Since 2004, ISIS has been, and continues to be, a designated foreign terrorist organization under section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

447. ISIS has committed, planned, or authorized activities that involved violence or acts dangerous to human life that are a violation of the criminal laws of the United States, or that would be a criminal violation if committed within the jurisdiction of the United States, including *inter alia* the prohibition on killing, attempting to kill, causing serious bodily injury, or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332.

448. These activities committed, planned, or authorized by ISIS appear to have been, and were intended to: (a) intimidate or coerce the civilian population of France, Belgium, the United States and other countries; (b) influence the policy of the Governments of France, Belgium, the United States and other countries by intimidation or coercion; or (c) affect the conduct of the Governments of France, Belgium, the United States and other countries by mass destruction, assassination, or kidnapping.

449. These activities committed, planned, or authorized by ISIS occurred entirely or primarily outside of the territorial jurisdiction of the United States and constituted acts of international terrorism as defined in 18 U.S.C. § 2331(1).

450. Plaintiffs have been injured in their person by reason of the acts of international terrorism committed, planned, or authorized by ISIS.

451. At all times relevant to this action, Twitter knew that ISIS was a Foreign Terrorist Organization, that it had engaged in and continued to engage in illegal acts of terrorism, including international terrorism.

452. Twitter knowingly provided substantial assistance and encouragement to ISIS, and thus aided and abetted ISIS in committing, planning, or authorizing acts of international terrorism, including the acts of international terrorism that injured plaintiffs.

453. By aiding and abetting ISIS in committing, planning, or authorizing acts of international terrorism, including acts that caused each of the plaintiffs to be injured in his or her person and property, Twitter is liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

SECOND CLAIM FOR RELIEF

LIABILITY FOR CONSPIRING IN FURTHERANCE OF ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)

454. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

455. Twitter knowingly agreed, licensed, and permitted ISIS and its affiliates to register and use Twitter to promote and carry out ISIS's activities, including ISIS's illegal acts of international terrorism that injured plaintiffs.

456. Twitter was aware that U.S. federal law prohibited providing material support and resources to, or engaging in transactions with, designated foreign terrorist organizations and other specially designated terrorists.

457. Twitter thus conspired with ISIS in its illegal provision of Twitter to promote and carry out ISIS's illegal acts of international terrorism, including the acts that injured plaintiffs.

458. By conspiring with ISIS in furtherance of ISIS's committing, planning, or authorizing acts of international terrorism, including acts that caused each of the plaintiffs to be injured in his or her person and property, Twitter is liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

THIRD CLAIM FOR RELIEF

PROVISION OF MATERIAL SUPPORT TO TERRORISTS IN VIOLATION OF 18 U.S.C. § 2339A AND 18 U.S.C. § 2333

459. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

460. The online social media platform and communication services which Twitter knowingly provided to ISIS, including use of Twitter's services, computers and communications equipment, substantially assisted ISIS in carrying out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds, creating fear and carrying out attacks, among other things.

461. These services and equipment constituted material support and resources pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism in violation of 18 U.S.C. § 2332 that

caused the deaths of Nohemi Gonzalez, Alexander Pinczowski and Sascha Pinczowski and injuries to plaintiffs.

462. Twitter provided these services and equipment to ISIS, knowing that they were to be used in preparation for, or in carrying out, criminal acts including the acts that injured the plaintiffs.

463. As set forth more fully above, but for the material support and resources provided by Twitter, the attack that injured the plaintiffs would have been substantially more difficult to implement.

464. By participating in the commission of violations of 18 U.S.C. § 2339A that have caused the plaintiffs to be injured in his or her person, business or property, Twitter is liable pursuant to 18 U.S.C. § 2333 for any and all damages that plaintiffs have sustained as a result of such injuries.

FOURTH CLAIM FOR RELIEF

PROVISION OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)

465. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

466. By knowingly (or with willful blindness) providing its social media platform and communications services, including use of computer and communications equipment, for the benefit of ISIS, Twitter has provided material support and resources to a designated Foreign Terrorist Organization under the Antiterrorism and Effective Death Penalty Act of 1996 in violation of 18 U.S.C. § 2339B(a)(1).

467. Twitter knew of (or was willfully blind to) ISIS's terrorist activities.

468. Twitter knew (or was willfully blind to the fact) that ISIS had been designated a Foreign Terrorist Organization by the United States Government.

469. Twitter's violation of 18 U.S.C. § 2339B proximately caused the damages to plaintiffs described herein.

470. By knowingly (or with willful blindness) providing material support to a designated Foreign Terrorist Organization, Twitter is therefore civilly liable for damages to plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).

FIFTH CLAIM FOR RELIEF

WRONGFUL DEATH

471. Plaintiffs repeat and re-allege each of the foregoing allegations with the same force and effect as if more fully set forth herein.

472. Twitter provides services to ISIS that, among other things, substantially assist and contribute to ISIS's ability to carry out its terrorist activities.

473. As set forth more fully above, but for the assistance provided by the Twitter, the terrorist attack that killed Nohemi Gonzalez and Alexander Pinczowski and injured the plaintiffs would have been substantially more difficult to implement.

474. Twitter's conduct was unreasonable and outrageous and exceeds the bounds usually tolerated by decent society, and was done willfully, maliciously and deliberately, or with reckless indifference to the life of the victims of ISIS's terrorist activity, including Nohemi Gonzalez and Alexander Pinczowski.

475. The conduct of Twitter was a direct, foreseeable and proximate cause of the wrongful deaths of Nohemi Gonzalez, Alexander Pinczowski and the injuries of the plaintiffs, and therefore Twitter is liable to the plaintiffs for the wrongful deaths of Nohemi Gonzalez and Alexander Pinczowski and related damages.

476. Twitter's actions were undertaken willfully, wantonly, maliciously and in reckless disregard for plaintiff's rights, and as a direct, foreseeable and proximate result thereof plaintiffs suffered economic and emotional damage in a total amount to be proven at trial, therefore plaintiffs seek punitive damages in an amount sufficient to deter Twitter and others from similar future wrongful conduct.

SIXTH CLAIM FOR RELIEF

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

477. Plaintiffs repeat and re-allege each of the foregoing allegations with the same force and effect as if more fully set forth herein.

478. Twitter engaged in negligent behavior by providing services to ISIS.

479. Twitter's acts of providing services to ISIS constituted a willful violation of federal statutes, and thus amounted to a willful violation of a statutory standard.

480. As a direct, foreseeable and proximate result of the conduct of Twitter as alleged hereinabove, Plaintiffs have suffered severe emotional distress, and therefore Twitter is liable to the plaintiffs for the plaintiffs' severe emotional distress and related damages.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court:

- (a) Enter judgment against Twitter and in favor of each plaintiff for compensatory damages in amounts to be determined at trial;
- (b) Enter judgment against Twitter and in favor of each plaintiff for treble damages pursuant to 18 U.S.C. § 2333;
- (c) Enter judgment against Twitter and in favor of each plaintiff for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees, pursuant to 18 U.S.C. § 2333;
- (d) Enter an Order declaring that Twitter has violated, and is continuing to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 et seq.; and
- (e) Grant such other and further relief as justice requires.

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: Brooklyn, New York
January 8, 2017

Respectfully submitted,

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